

INDIAN EMIGRATION

INDIA OF TO-DAY

*A series of booklets dealing with problems
of general interest*

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INDIA OF TO-DAY

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INDIAN EMIGRATION

BY

“EMIGRANT”

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CHAPTER I

INTRODUCTORY

Emigration from India to other lands has a long past but a short and interrupted history. No sustained or authoritative account of the movement which started in the pre-Christian era and continued well into its first eight centuries has yet appeared. Of the long night of a thousand years which settles over this phase of a people's activity we have no adequate explanation. Why the spirit of adventure, the zeal for conquest which flung Indian invaders into Ceylon, Java and the remote land of Cambodia, should have suddenly shrivelled under the blight of Mohammedan invasion is a mystery which still awaits solution. Conjecture tempts one to fascinating avenues. Perhaps the line of Hindu retreat before the Moslem conquerors extended inland far from the sea coast, and precluded the possibility of escape to new regions beyond the perilous waters. Or was it that social ties had become too rigid for adversity to break them? Had the palsying hand of religious anathema paralysed initiative and courage? Imagination may suggest such interrogatives and many more—but they cannot form the basis of history. We must rest content with such light as research has shed on certain periods of Indian migration to realms across the seas. For the rest we have to wait in patience until the mists clear and darkness broadens into day.

Emigration from the main land of India to Ceylon, specially from the Tamil region has been constant

since the dawn of history. It has varied in volume but never ceased. The earliest legends seem to show that there were two streams of emigration. The first, which probably was mainly Dravidian, came from Orissa and perhaps Southern Bengal: the second, mainly Aryan, started from Sitapura in Lala (possibly the modern Sehar in Kathiawar) and Sopara. The latter band belonged to the Sanhalas (Sehalas) or Lion tribe, and it was probably they who imposed their Aryan tongue on Ceylon.

Language, religion and art bear ample traces of the influence of Indian conquerors, missionaries and colonists on the island. In Java and part of Indo-China the relics of religious piety and fervour tell a similar story. The temples of Borobodur and Nakhon Vat carry the indelible impress of Indian influence. In the island of Bali to the East of Java Buddhism and Brahmanism exist to this day. Historical data to prove the presence of Indian colonists at a comparatively early period are not wanting. The native chronicles of Java relate that a powerful Indian prince of the Saka line named Ajisaka landed on the island about 75 A. D. But the details of this story are open to doubt. The Chinese pilgrim Fa-Hien visited Java in A. D. 414 and found plenty of heretics and Brahmins. These pieces of evidence lend colour to the inference that a strong Brahmanical element must have been settled in the land for a long time before Fa-Hien's visit. The Chinese history of the Sung dynasty dates the conversion of the island to Buddhism by Gunavarman, the crown prince of Kashmere between A. D. 419 and 431. Local chronicles which are supported by the traditions of Gujarat and Southern Marwar in Rajputana fix the date of the invasion of

Java at 603. Siamese accounts place the date 80 years later. One may be sceptical as to the accuracy of individual dates, but the weight of testimony seems to point to the conclusion that a determined and successful attempt to colonise Java was made from Western India in the seventh century of the Christian era. It was probably the outcome of the pressure of Hun invasion in the North and was promoted by the Arab irruption into Sindh. Under the domination of Majpahit, Hindu ascendancy continued until the middle of the 15th century when it was overthrown by the Mohammedans.

Cambodia again bears witness to the maritime enterprise of the Indian race in early times. Its French name Cambodge bears striking resemblance to the Indian Comboja as the country round Takshsila was once called, from where a band of adventurers seems to have set off *via* the west coast of India for this corner of South Eastern Asia. They brought with them the art traditions of Kashmere, embodied in the sculptures illustrating the Ramayana and the Mahabharatta which adorn the vast temple of Nakhon Vat near Ankhor.

People may wonder how the ancestors of the modern Indian races, the majority of whom show little aptitude for a sea-faring life could have been such successful colonisers in early times. But there is little doubt that in those days Indians were experienced sailors. The Rigi Veda contains allusions 'to voyages to distant lands, and galleys with a hundred oars.' The Baveru Játaka speaks of Indian merchants taking periodical voyages to Baveru which so high an authority as the late Prof. Minayeff has indentified with Babylon. Another authority, Mr. Kennedy, has shown

that Indians had settlements in Babylon, Arabia and the East Coast of Africa ; and also on the Coast of China. Illustrations may be multiplied but more do not seem to be necessary. Indian sea-faring capacity and capacity for colonisation, at least in the early period of their history is abundantly proved. What is not clear is why both should have ceased with almost baffling suddenness.

Of this the explanation is largely guess-work. Several forces were probably at work to curb and finally to terminate Indian colonising activity. The ascendancy of orthodox Hinduism with its prohibition of sea-travel, especially among the higher classes must be reckoned as an important factor. The change from a tribal to a more composite and complex character which came over Hindu society as a result of the acquisition of more settled habits by its members must also have intensified inertia. The early emigrants with more primitive instincts and fewer ties of family, religion or custom were in the very nature of things, more free and more adventurous. Their loyalties were not too numerous and their attachments not too deep to hamper their movements. The religious and resolute character of Mohammedan invasion probably proved another obstacle to migration. More was at stake than the mere loss of a kingdom which their valour could enable the vanquished to carve out elsewhere. Hindu civilisation and Hindu religion were faced with a formidable menace to their existence. The devout Kshattriya whom tradition and faith made the guardian of the community, could not desert it in its hour of peril and seek his fortune in other lands. Moslem conquerors also barred the exits to the sea in Bengal and Sindh. Missionary zeal which had

doubtless inspired the movement of the earlier colonists was also on the wane. It may be said to have perished with the fall of Buddhism as the new Hindu faith which supplanted the gospel of the Buddha had no place within its fold for converts from other religions. Proselytism was not its aim, nor propaganda among alien faiths its creed. The Moslem invaders were at first too busy in establishing their hold on the country to think of subsidiary adventures. Later the task of consolidation and the maintenance of their hegemony absorbed all their energies. Except to Ceylon whose proximity to the mainland makes its position exceptional, emigration on an important scale from India remained suspended for a thousand years until the demand for Indian labour created by the emancipation of slaves in the British Colonies revived it in the first quarter of the 19th century.

CHAPTER II

ABOLITION OF SLAVERY

In August 1833 the ministry of Earl Grey abolished slavery throughout the British Empire. A system of 'seven years' apprenticeship was established as a "transitional period of liberty" during which the slaves were bound to work for their masters for three-fourths of the day on pain of corporal punishment if they did not give the due amount of labour, but the House of Commons passed a resolution against the arrangement which resulted in its termination in 1838. In August of that year the slaves became free men. Twenty millions sterling was voted as compensation to the planters when slavery was abolished. Money, however, could not provide labour of which the industries, on whose prosperity that of the planters depended, stood in urgent need. The result was an industrial depression of which an authoritative account is given by two parliamentary committees, appointed in 1842 and 1848 respectively, to report on the economic situation of the different West Indian Colonies. The earlier Committee found that in consequence of the emancipation of the negro there had been a diminution in the staple productions of the West Indies to such an extent as to have caused serious and, in some cases, ruinous injury to the proprietors of estates in those colonies. The Committee of 1848 reported "that great distress undoubtedly prevails amongst all who are interested in the production of sugar in the British Colonies." Both attributed the distress to the difficulty of obtaining labour. In the language of the first Committee

“the principal causes of the diminished production (of sugar) and consequent distress are the great difficulty which has been experienced by the planters in obtaining steady and continuous labour.....” It is no matter for surprise, therefore, that these Colonies should have tried to tap new sources of supply or that India with her teeming population should have appealed to them as a suitable field for recruiting operations. Mauritius which like the islands of the West Indies, was a sugar-producing colony, was first in the field. Emigration to this island is said to have begun as early as 1819. The more authoritative view is that it began sometime between 1826 and 1830. But emigration on a large scale only started in 1834 as a result of the abolition of slavery. Between 1834 and 1837 as many as 7,000 emigrants left Calcutta for Mauritius. In 1838 two ships carrying 400 emigrants left for British Guiana. The first consignment of labourers was shipped to Trinidad in 1844. Indian emigrants were introduced into Jamaica in 1845. By 1847 the colony had received 4,000. Natal got its first supply in 1860. To lesser islands like Granada, St. Lucia and St. Vincent emigration started in 1856, 1858 and 1861 respectively. The number that migrated to these islands was small, and they are merely mentioned to indicate the range of the demand for Indian labour at one time. To-day their case is of little more than historical interest.

It must not be assumed that the flow of emigration to the various colonies was uninterrupted or unopposed. The champions of anti-slavery were suspicious of the character of this new movement of labour. They watched its progress with the utmost vigilance. In 1837 Mr. Nowell Buxton asked Sir J. C.

Hobhouse, whether "the natives of India who were imported into Mauritius, and the West Indian Colonies, were in any degree regarded as slaves." The emphatic negative which the question elicited did not allay suspicion in all quarters. In May 1838 Lord Brougham described an Order in Council for the introduction of foreign labourers into British Guiana as the establishment of "what would become a slave trade." In July of the same year, he returned to the charge describing the recruitment of Indians to labour in the colonies as an abominable traffic. His indignation was apparently roused by the circular letter of one Messrs. Husan who, to quote His Lordship's own words "had held themselves forth to the public as accomplished man merchants, and who had bragged that in two years they could furnish to the Mauritius 5,000 hill coolies at £10 a head, including passage money, provision, water and all other stores and an advance of six months' wages and clothing." The suffering and mortality among Indian emigrants during the passage to British Guiana which were undoubtedly severe, were denounced in language of violent exaggeration by the same gentleman in 1839. He declared that the "mortality and massacre of the voyage far exceeded the African middle passage itself," and revelled in such phrases as "the charnel houses of Demerara." The result of the agitation of 1838 was the suspension of emigration to Mauritius and the West Indies in July of that year, so the posthumous outburst of 1839 would seem to have been uncalled for.

Two other causes were operative to interrupt the flow of emigration from time to time. One was the appearance of circumstances relating to the condition

of emigrants, whether on the voyage, or on arrival in the colony which necessitated stoppage as a protective measure. These included the inadequacy of sanitary arrangements on the voyage, or during residence on the estates of employers, and the absence of effective safeguards against misuse by the latter of their power over the labourer. In September 1856 accounts were received of excessive mortality among the emigrants while in quarantine upon Gabriel island in Mauritius and emigration to the island was temporarily suspended. Excessive mortality on the voyage and in the process of acclimatisation led to a stoppage of emigration to British Guiana between 1848 and 1851 when it was reopened. The other was the unsuitability of the immigrant for the work for which he was imported. For this reason, and the decline of the industries of the island, emigration to Jamaica was suspended in 1863 and Trinidad imported no Indian labour between 1848 and 1852. The unsatisfactory conditions of labour in Natal led to the cessation of emigration to that colony between 1866 and 1874.

In 1848 slavery was abolished in the French Colonies and the planters of Réunion, Bourbon and other islands began to look to India for a supply of labour. As early as 1830 a French merchant M. Joseph Argand carried some 130 artisans to Bourbon. The agitation of 1838 led to correspondence with the Governor-General of the French Settlements in India, the Marquis de St. Simon, which elicited the assurance from that dignitary that the utmost vigilance would be exercised to prevent Indian labourers from the Company's dominions being exported from Pondicherry or other French ports. Shortly after, however, a M. Herion Maingard arrived from Bourbon on "His Most

Christian Majesty's brig of war, *Lancier*, charged with a mission by the Government of that island to arrange for the importation of coolies from India." The embassy was not successful. Meanwhile the Government of Madras had brought to light a system of emigration "from the ports of Pondicherry, Karikal and Yanam under the eyes of the French authorities under which the natives of the Company's territories were crimped and kidnapped and shipped to French Colonies in overcrowded vessels." The extent of this clandestine emigration may be gathered from the fact that in 1851 Dr. Mouat found 23,000 Indian labourers in the island of Réunion. In November of that year the French Government formally applied for permission to recruit labour for that colony in India, but a convention was not negotiated until 1860 in which year emigration to Réunion, Mauritius, Guadeloupe and its dependencies, and French Guiana was recognised by law. Emigration to the Danish Colony of St. Croix was thrown open in 1863. A convention to regulate emigration to the Dutch Colony of Surinam was negotiated in 1872, and made operative by the Government of India the same year.

It was mentioned in the first Chapter that emigration from India to Ceylon has been continuous from the earliest times though it has varied in volume. Act XIV of 1839 made the recruiting of a native of India for labour to be performed "in any British or Foreign Colony without the territories of the East India Company" a penal offence, and the amending Act of 1844 recognised emigration only to the Colonies of Jamaica, Trinidad, British Guiana and Mauritius. Recruitment of labour for Ceylon was consequently made illegal by the Act of 1839. An Act was passed

in August 1847 which removed the legal disability in the case of Ceylon.

Emigration across the bay to the Straits Settlement commenced at the beginning of the 19th century. It originated in the demand for labour for the cultivation of sugar-cane, spice, tapioca and cocoanuts. Act XIII of 1869 which defined emigration as the 'departure of any native of India out of British India for the purpose of labouring for hire in some other place' made it illegal as British India was declared not to include the settlement of Prince of Wales Island, Singapur and Malacca. In 1867 the Straits Settlements were removed from the control of the Government of India, so that the excuse of administrative unity which might have been pleaded in excuse for the continuance of emigration between 1869 and that year, disappeared. But the emigration continued and the anomaly was not set right until 1872.

It may be of interest to give a general outline of the manner in which emigration proceeded. At first recruitment was a purely personal venture, undertaken for profit, sometimes certain, and sometimes a mere speculation. Later, increase in the demand for labour, need for economy in expenditure, and the desirability of eliminating competition in recruiting led to the creation of a co-ordinating agency, both for purposes of securing supply, and for regulating distribution. Recruiting was carried on by men specially engaged for the purpose who worked in the interior of the country. When a batch of emigrants was ready, it was sent to the port of embarkation where the emigration agent for the importing colony arranged for their accommodation before departure, and for shipment. On arrival at destination, they

were distributed among the estates on which they were to work. This machinery was gradually supplemented, and its operation brought under legislative control, when the state intervened to regulate emigration. The history of this process is the history of Emigration legislation and policy which will be narrated in the two following chapters. It will be sufficient here to indicate the main lines of development. Abuse in recruitment it was sought to minimise by : (1) confining recruitment to persons specially licensed for the purpose and (2) by providing for the registration of recruits by a magistrate or other person, especially empowered in this behalf. The welfare of the emigrants during transit in India and by sea was secured by the provision of depots, and sub-depots, where recruits were lodged, by the appointment of medical inspectors, and by prescribing the conditions which every ship conveying them was required to fulfil before it could leave port.

Protectors of emigrants were appointed in the various colonies to watch over the emigrant's interests and to safeguard his rights throughout the period of his residence in the Colony.

The main features of the new emigration were that it was for purposes of labour, and that it was assisted. The emigrant undertook to work for a fixed term which varied from one month to three or five years in the different colonies and at different periods in the same colony, in consideration for a wage and the cost of his passage. On the expiration of that period he had three courses open to him ; renewal of the contract, settlement in the country with freedom to follow the vocation of his choice, or, except in the case of Mauritius, after 1857, return

at the expense of the importing colony to his home. This was the essence of the system which has become famous under the name of Indenture. So far as its operations in India were concerned its machinery was successful in reducing abuse to a minimum though it never completely eliminated it. Its achievements in the Colonies varied, but nowhere gave complete satisfaction. It was handicapped by the desire of the employer to secure an adequate supply of labour at a minimum cost and for the maximum period that effort or ingenuity could secure, and the inadequacy of mere persuasion to change self-interest into humanitarian altruism.

The defects of indenture were many. They were inherent in the system. So far as protection of the emigrant in the land of his adoption was concerned its effectiveness depended in a large measure, if not entirely, on the good will of its Government, the active co-operation of the officials specially charged with the administration of the labour laws and the force of public opinion. As Mr., now Sir Courteney Ilbert, admitted in Council in 1883 the only weapon in the hands of the Government of India to safeguard Indian interests was the weapon of persuasion. The removal of other evils, whether moral or economic, was equally beset with formidable difficulties. The doctrine of a minimum wage may be comparatively old, its practical application to industry is recent and is not likely to have appealed to the planting community of any part of the world in the 19th century. The disparity of numbers between the sexes which was mainly responsible for the immorality and crime that were so unfortunate a feature of 'coolie' life, was as much the result of

defective recruitment, as Indian custom which places greater restrictions on the movement of women.

It is easy to enlarge on the defective aspects of the system but such enumeration will serve no useful purpose. The literature of controversy is varied and voluminous. It defies compression, and were an epitome of its many phases possible, it would do little more than revive passions which are better dead. Indenture has now been abolished. Public opinion will never permit its revival. As a problem of the future it has ceased to exist. Its practical importance to us lies only in the problems which it has bequeathed. These will be considered in their proper places later on.

CHAPTER III

EMIGRATION AND THE STATE PRIOR TO 1912

The policy of a Government towards the emigration of its subjects may be permissive or promotive. Its intervention may take place at one or more of the three stages, *viz.*, prior to embarkation, during voyage, and after landing at and during residence in the place of destination. Of the part which the state played in the earlier Indian movements of colonization little is known. In the present chapter it is proposed to deal mainly with the policy of the Government of India with respect to the migration of labour from India to British and foreign colonies. That policy has throughout been entirely permissive. Its action in regard to the three stages of migration represents a progressive evolution in response to the facts of experience or the force of public opinion.

Prior to 1837 the only control which it was attempted to exercise over emigration was to require intending emigrants to appear before a magistrate to satisfy him of their freedom of choice and knowledge of the circumstances of the case. The Law Commission to whom the question was referred in connection with a project of law for the protection of the natives of India leaving the country by sea expressed the opinion "that no legislation was advisable except what may be required for the purpose of supporting precautionary arrangements to prevent undue advantage being taken of the

simplicity and ignorance” of emigrants. The influence of the Benthamite dogma of freedom of contract was too powerful to admit of any other opinion. But they felt that action should also be taken to provide for the proper care of the emigrant during the voyage. Their recommendations were as follows :—

- (1) Magistrates at ports of embarkation should be empowered to cause the attendance of every native of India believed to be about to emigrate to any British or foreign colony beyond the sea under contracts of service...
- (2) No contract of this description shall be held valid unless certified by the Magistrate to have been assented to by the native parties to it, with a full understanding of its provisions.
- (3) Any vessel taking away such natives should be refused port of clearance until the contract had been inspected and certified.
- (4) The Law should empower a similar refusal if it should appear that proper provision had not been made for the suitable treatment of the emigrant during the voyage.....

These recommendations were embodied in an Act passed in 1837 which was the first of a long series of legislative measures dealing with emigration. The subsequent history of State Legislation is one of the amplification of safeguards for the protection of the interests of the emigrant, whether in the process of recruitment or during voyage, or while actually under indenture in the colony. Between 1837 and 1864 when the first great consolidating law was placed on the statute book 21 Acts were passed. With two exceptions these either authorised emigration

to individual colonies, or were concerned with matters of administrative detail relating to recruitment, the care of emigrants during transit and the dates during which migration was permitted to particular colonies. The exceptions were Act XXXI of 1855 and Act XIX of 1856. In the first, which opened up emigration to Granada, the Government of India for the first time took power to meet their responsibility for the protection of emigrants during their residence in the colonies. Section 17 of the Act declared that it would only take effect when the Government of India should notify that such regulations had been provided and such measures taken as might be considered necessary for the purpose. Act XIX of 1856 enabled the Governor-General in Council by notification in the Gazette to suspend emigration to any British colony when he had reason to believe that proper measures had not been taken to protect emigrants immediately upon their arrival in the colony, or during their residence there, or for their safe return to India, or to provide a return passage at or about the time when they were entitled to it.

The Act of 1864 was a consolidating measure. Consolidation had become a necessity as a result of the multitude of enactments in which the provisions regulating emigration were scattered. It also made a comprehensive attempt to repress abuses and remedy defects which experience had brought to light or which foresight seemed to suggest.

In the language of the statement of objects and reasons prefixed to the Bill the principal difference between the machinery which it sought to set up, and the system which it was intended to supersede, consisted in the provision that every recruited labourer

was required, instead of being forwarded at once to the coast, to be taken before a magistrate for registration. Previously to registration, the magistrate would interrogate the recruit as to his comprehension of the engagement and willingness to fulfil it. Only in the event of the examination proving satisfactory was the recruit to be forwarded to the depot.

The recruiter was to be licensed, and provision made by penalties of fines and imprisonment, against unlicensed recruiting and recruiting under false pretences.

For the protection of the emigrant when he had reached the coast depots were to be licensed and made liable to constant inspection.

There was to be a medical officer for every place to which emigration was authorised.

The duties of Protector of Emigrants were for the first time legally defined, and embraced the general superintendence of the emigrant from the time he was brought down to the port to the moment of embarkation.

To prevent recurrence to separate special legislation adapted to particular treaties, power was given to the Governor-General in Council to authorise emigration, subject to the provisions of the Act, to any new colony or locality.

The next important legislative measure was the Act of 1883. Revision of the existing Act had been under contemplation for some time on account of complaints of kidnapping and the practice of other objectionable methods by recruiters. Some thought that the protective provisions of the law were defective. Others were of opinion that the recruiter, though not altogether faultless, was the victim of officious inter-

ference and unreasoning prejudice. Enquiry alone could reveal the exact condition of affairs. Two officers, Major Pitcher and Mr. Grierson were accordingly placed on special duty in the North Western Provinces and Bengal respectively to investigate the working of the system, and indicate the directions in which reform was desirable. After full consideration of their report the Government of India came to the conclusion that "though the recruiter was occasionally guilty of malpractices, he was frequently impeded in most objectionable ways by the police and underlings of the magistrate's court, that registration was not unseldom perfunctorily performed, that unnecessary restrictions were sometimes imposed, and that generally a more friendly attitude on the part of Government, as represented by its local officers, would lead to better results." The Act of 1883 was therefore mainly directed towards minimising the vagaries of individual magistrates by introducing a more uniform procedure of registration, and ensuring that greater care was devoted to the actual work of registration. With this object Local Governments were empowered to appoint persons other than magistrates to register recruits. To strengthen the machinery of supervision, provision was made for the appointment of provincial sub-protectors. The welfare of the recruit during the period between recruitment and departure for the port of embarkation was safeguarded by arming District Magistrates with extensive powers to inspect and supervise the accommodation provided for him in that interval.

Amendments to the Act were made in 1890, 1896, 1897, 1902, 1904 and 1908. These were consolidated in Act XVII of 1908 but no departure in policy or

orientation in the attitude of the Government of India received legislative affirmation until July 1910 when it took power under Act XIV of that year to prohibit emigration to any country at discretion. This step was taken with the object of enabling the Government to stop emigration to any colony where, as in Natal, the free Indian immigrant did not receive satisfactory treatment. The power which in 1864 was assumed to safeguard the interests of the indentured emigrant was now extended to protect the interest of those who had migrated at their own expense and for purposes other than labour. Its importance cannot be over emphasised for it constitutes the first step towards a policy of bringing economic pressure to bear on colonies importing Indian Labour, in order to secure fair treatment to all Indians domiciled in that colony.

It will be noticed from the foregoing review of legislation that the attitude of the Government of India towards emigration had been one of "benevolent but watchful neutrality." It had kept one object in view, *viz.*, to secure fair play to both parties—the employers on one side and the emigrants and their friends on the other; to take care that the former were not hampered by unnecessary and vexatious restrictions and hindered by unreasonable prejudices, and to protect the latter, so far as it could, against being entrapped or deluded into unfair bargains or carelessly or oppressively dealt with after they had left their homes. In 1875 the late Marquess of Salisbury invited attention to the question "whether by some change of system it might not be possible and advisable to afford greater encouragement to emigration on the one hand, and on the other hand to obtain fuller information regarding

the treatment of emigrants in the colonies and greater security against unfairness towards them, either in the colonial laws and regulations, or in the terms and conditions of their employment and treatment." Lord Salisbury continued: "Having regard to the greatness of our Indian population and to the probability that under the protection which the British Government affords from depopulation, war and, as far as possible, from famine and other evils, that population must increase, especially in the healthier and more densely populated parts of the country where the numbers already press on the means of subsistence, and the lowest classes are at all times little removed from want, it appears to me that, from an Indian point of view, it is desirable to afford an outlet from these redundant regions into the tropical and sub-tropical dominions of Her Majesty, where people who hardly earn a decent subsistence in their own country may obtain more lucrative employment and better homes.

"While, then, from an Indian point of view, emigration properly regulated and accompanied by sufficient assurance of profitable employment and fair treatment seems a thing to be encouraged on grounds of humanity, with a view to promote the well-being of the poorer classes, we may also consider, from an Imperial point of view, the great advantage which must result from peopling the warmer British possessions, which are rich in natural resources and only want population, by an intelligent and industrious race to whom the climate of those countries is well suited, and to whom the culture of the staples suited to the soil, and the modes of labour and settlement are adapted. In this view, also,

it seems proper to encourage emigration from India to colonies well fitted for an Indian population." His Lordship asked whether in view of the above considerations, there might not properly be a change in the attitude of the Indian Government towards emigration, and, whether the Government and its officers, might not more directly encourage emigration and superintend the system under which it was conducted—provided it was fully satisfied on all points with regard to every colony which availed itself of the system.

In 1877 the Government of India addressed their reply to the Secretary of State. In regard to the suggestion that they should take an active part in encouraging emigration they said. "We do not think it possible to carry into effect in any material degree the suggestions which have been made..... for the further encouragement of emigration, and while we consider that all due facilities should be afforded to the colonial Emigration Agents in conducting their operations, we are of opinion that the success of those operations must depend almost entirely on the colonial employers." The reasons for this conclusion may be summarily set forth in their own language:—

- (i) They did not believe that any amount of emigration that was likely to take place would have more than an infinitesimal effect on the population.
- (ii) Their objections had reference to the effect that the direct and active interposition of Government in this matter would be likely to have on the minds of a people prone to regard with the utmost suspicion

the acts and motives of their foreign rulers, and especially on the minds of the uneducated classes from which the emigrants were drawn.

To give effect to the proposal to secure fuller information regarding the treatment of emigrants in the colonies, and greater security against any unfairness towards them, Lord Salisbury had suggested that the colonial Government should agree to receive and pay for a sufficient number of qualified agents to be appointed by the Indian Government from its own servants, actual or retired, who should be stationed at suitable places in the colonies, and should have the fullest opportunity of ascertaining the condition of the immigrant, and of bringing to the immediate notice of the colonial authorities everything which might in their judgment afford reasonable ground of complaint, furnishing at the same time to the Government of India full reports of the condition of Indians resident in the colony. With reference to this the Government of India observed :—" It would, perhaps, be desirable to have in each colony an officer appointed by the Indian Government but paid for by the colony, to look after the affairs of the immigrants on our behalf in the manner proposed ; but we apprehend that the salary necessary to secure a properly qualified official for so responsible a post.....would not be small, and would add considerably to the present cost of emigration of which the colonies are already inclined to complain. In all but the large colonies the cost of such an appointment will be prohibitive. We are inclined to think that the requirements of the case would be sufficiently and, in some cases better, met by the

periodical deputation from India of an officer acquainted with the business of emigration to visit the colonies which receive Indian emigrants, both British and foreign. The report of such an officer would, in our opinion, sufficiently supplement the sources of information already at our disposal and the cost of his deputation, which would be an occasional charge might be debited to the revenues of India."

The passage of time only served to confirm the wisdom of this policy. Writing to the Secretary of State in 1908 the Government of India said:—"The purely neutral attitude adopted by Lord Lytton's Government has been consistently maintained by the Government of India during the past thirty years and nothing has occurred during that period to suggest that any modification of that attitude would now be justified. On the contrary two serious factors in the situation have arisen, both of which must in our opinion tend rather to the restriction than to the encouragement of emigration.....It is needless to draw your Lordship's attention to the serious crisis with which we are now faced in, at any rate one portion of the Empire, owing to the methods of self-governing colonies in dealing with the status and rights of British Indians whom they had allowed, if not actually encouraged to settle within their borders. It is impossible for us to disregard the fact that the history of the anti-Asiatic legislation in Natal and the Transvaal may at any time be repeated in others of the Crown Colonies.....As an illustration of the fact that the apprehensions which we entertain in this respect are not without substantial foundation we may draw

your Lordship's attention to the situation which we at present understand exists in the British East Africa protectorate. Indian settlers lived and traded in British East Africa long before the days of British rule, and their status in the country and their claims to political recognition are such that they cannot be overlooked. We believe, however, that these claims are not regarded with favour by the White Colonists, that the Indians as a whole are disliked by them..... The second factor to which we have alluded is the shortage of labour in India, of which complaints are being made by nearly all sections of the Industrial community." They did not consider the shortage of labour to be irremediable but they could not overlook the inexpediency of encouraging emigration while complaints of scarcity of labour prevailed in India. The real factor, however, was the first. Prejudice against the Indian in the self-governing dominions showed no sign of abatement during the following years. In some, as in South Africa and Canada, it continued to grow. Meanwhile educated public opinion in India gradually became alive to the inherent injustice of their attitude, and there was a cumulative intensification of feeling over the iniquities of the system of indenture which made the adoption of any policy of encouragement impossible. The history of this phase belongs to the next chapter.

CHAPTER IV

EMIGRATION AND THE STATE SINCE 1912

During the period under review in this chapter, the efforts of the State were directed towards the abolition of indenture and the securing of equality of treatment with other classes of His Majesty's subjects for those Indians whom the laws of any British possession placed in a position of disadvantage or inferiority. Three forces were at work to make the question of the status of Indians overseas more and more a live issue. One was the gradual awakening of national consciousness which was resentful of any attitude of superiority towards Indians, and critical of their position both in India and outside. Another was the growing discontent over the evils of the system of indenture, of which two aspects had come into somewhat sinister notoriety, *viz.*, the severity of the colonial labour laws to which labourers under indenture were subject, and the prevalence of immorality among the latter owing to the disproportionate shortage of women. A third was the ill-treatment of free Indians in the self-governing dominions, specially South Africa. The first authoritative public discussion of the subject took place in the Indian Legislative Council in February 1910 when the late Mr. G. K. Gokhale moved the following resolution: "That this Council recommends that the Governor-General in Council should be empowered to prohibit the recruitment of indentured labour in India for the Colony of Natal." The object

of the resolution was to bring indirect pressure to bear on the colony, which was still supposed to want Indian labour, in order to bring about an improvement in the general treatment of Indians, who were free men, and, whose presence was regarded by the white residents, throughout South Africa, with alarm almost amounting to panic. The resolution was accepted by the Government of India and emigration to Natal was stopped in the following year. In 1912 Mr. Gokhale was responsible for a more comprehensive proposal which aimed at nothing less than the complete "prohibition of recruitment of Indian labourers under contract of indenture, whether for employment at home or in any British colony." In the course of his speech he characterised the system as "a monstrous system, iniquitous in itself, based on fraud and maintained by force.....a system wholly opposed to modern sentiments of justice and humanity.....a great blot on the civilisation of any country that tolerates it." No less than 12 members spoke for the resolution in much the same strain and when the division was taken every one of the 22 Indian members present voted for it. The resolution was lost because of the then constitution of the Council which consisted of an official majority, Government having opposed the resolution.

The attitude of the Government of India on the occasion requires explanation. They had not opposed the recommendation which had the unanimous support of the Indian section of the Council in any spirit of apathy to Indian feeling or of sympathy with the employers of labour. Theirs was a particularly difficult position. An influential

committee, which was presided over by Lord Sanderson, had within the last three years preceding investigated the whole system of indenture. It had reported in favour of continuing the system. True it had discovered defects in it. But on the whole it was of opinion that the arrangement profited the emigrant and that such abuses as existed were capable of remedy. Without further enquiry, or giving the recommendations of the Sanderson Committee a trial, they could not have agreed to a proposal which, if given effect to, would have completely dislocated the industrial life of some of the most important of the Crown Colonies. But the discussion had not been in vain. In order to ascertain conditions on the spot the Government of India deputed Mr. McNeill, a member of the Indian Civil Service, and a non-official Indian gentleman, Mr. Chiman Lal, to visit the four colonies of Jamaica, Trinidad, British Guiana and Fiji to which emigration under indenture was still allowed. Their finding was that the advantages of indenture far outweighed its disadvantages and that under it "the great majority of the emigrants exchanged grinding poverty with practically no hope of betterment for a condition ranging from simple but secure comfort to solid prosperity." But there were certain facts and figures in their report which threw grave doubts on the claim that the economic benefits of the system far outweighed other and more serious drawbacks. These facts were the high number of suicides among indentured coolies, the disproportionate sex ratio, with its consequent immorality, and the excessive prosecution of persons working under indenture under the colonial labour laws. An analysis of prices

of foodstuffs and the cost of living generally in India and the colonies revealed the fact that the net earnings of the coolies in Fiji were no higher than those of a labourer in East Bengal. Thus neither moral nor economic considerations seemed to favour a continuance of the system. And since the discussions of 1912 popular feeling in India against it had gathered strength. The Government of India, therefore, informed the Secretary of State in 1915 that "the time had come for His Majesty's Government to assent to a total abolition of the system of indentured Indian labour in the four British colonies where it still prevailed and in Surinam." The Secretary of State agreed to the proposal, subject to the safeguard that abolition would not be enforced before time had been given to the colonies to adjust their policy of recruitment to the altered situation which abolition was likely to create. An announcement to this effect was made by Lord Hardinge in the Imperial Legislative Council on the 20th March 1916 in accepting a resolution moved by Pandit Madan Mohan Malaviya which urged the Governor-General in Council to take early steps for the abolition of the system of indentured Indian labour. Thus ended a system which, whatever its other merits or demerits, had come to be regarded by educated Indians as imposing on its victims the bond of helotry and servitude, and branding the whole race with the mark of humiliating inferiority. For, despite the reservation made by His Excellency the Viceroy in 1916, recruitment of labour in India for the colonies was stopped under the Defence of India Act, and before that measure could become inoperative, indenture was categorically abolished.

This policy has now received legislative sanction by the Emigration Act of 1922, a comprehensive measure which makes every provision for the protection of Indian interests and Indian honour that experience or foresight could suggest. It expressly declares that "emigration for the purpose of unskilled labour shall not be lawful except to such countries and on such terms and conditions as the Governor-General in Council, by notification in the Gazette of India, may specify in this behalf." Provision has also been made that no such notification shall issue "unless it has been considered and approved by each chamber of the Legislature, either without modifications or additions, or with modifications to which both chambers agree." The future control of emigration is thus shared by the Government of India with the representatives of the people, and the arrangement provides a complete safeguard against any flow of unskilled labour which is assisted by any person, other than an emigrant's relative, and which enlightened and responsible opinion does not favour or approve. The generality of these provisions leave the Government of India free to make such conditions precedent to permitting emigration as would satisfy Indian sentiment. For the purpose of safeguarding the interests of emigrants in every place outside British India power is taken to appoint agents whose duties may be defined by rules framed under the Act.

The history of the relations of the Government of India with the self-governing dominions as regards the status of Indians seeking entry into their territory or resident within their borders is the history of a struggle for reciprocity and equality ; for reciprocity

in immigration laws, and for equality of treatment for domiciled Indians. As early as 1875 Lord Salisbury had laid down the principle that "Indian settlers will be in all respects free men, with privileges no whit inferior to those of any other class of His Majesty's subjects resident in the colonies". Signs, however, soon manifested themselves which made it amply clear that the principle was not viewed with favour by some of the colonies. Trouble first began in Natal, where the settlement of Indians who had completed their period of indenture alarmed the colonists. From 1894 onwards pressure was brought to bear on them to return to India and various measures of a restrictive character were passed by the Natal legislature with that object. So serious became the situation that in 1911 the Government of India abolished emigration to the Colony, partly in the hope that the resulting pressure on the planting community who were in need of Indian labour might help to ameliorate the condition of the resident Indian population. Anti-Indian feeling, however, continued to grow and there were disturbances in Natal in 1914 which have been comprehensively described as Mr. Gandhi's passive resistance movement. In the Transvaal, where colour prejudice has always been even stronger than in Natal, the disabilities of Indians were worse. The confederation of these colonies into the autonomous Union of South Africa made the task of the Government of India more than ever difficult. For they could no longer appeal to Imperial considerations with the same hope of success as they had done in the past. There had been practically no indentured emigration to Australia. Such Indians as had gone there had done so as free men. But

circumstances in the Commonwealth were leading up to a policy of exclusion and restriction which was mainly inspired by economic considerations. Australia was not afraid of emigration from India so much as from the thickly populated countries of the Far East, but its immigration legislation, to avoid offence to national susceptibilities, had to be general in its working and scope, and affected the Indian as well. The same fear was operative in Canada, and led to a similar result. The incident of the Komagata Maru was undoubtedly instrumental in bringing the question of Indian emigration to that dominion to a head. But the law of which the breach brought about that unfortunate episode was enacted in response to causes deeper than dislike of the Indian or fear of his rivalry.

The point of view of these dominions which in the case of Australia has received the popular label of "the White Australia Policy" is intelligible, though it may not command universal agreement. Nature and accident have combined to give them control of vast areas where they are not threatened with a 'native' problem such as dominates the outlook of statesmen in South Africa. For generations they have remained a homogeneous community, with common traditions and ideals. That homogeneity of ideals and race they are determined to keep intact, and they have, therefore, adopted a policy of restricting immigration, which they consider to be the only guarantee of orderly and peaceful evolution in conformity with their ideals. To avoid offence to racial or national susceptibilities, their legislation on the subject imposes no disabilities on the nationals of any country by name. But its general purport is

to prohibit or restrict the entry of all persons whom they regard incapable of assimilation into the general body politic.

The Government of India for long declined to acquiesce in this policy. They were reluctant to take any action which might be interpreted as conceding the right of the dominions to keep Indians from their shores. They were consistently in sympathy with the Indian view that allegiance to a common sovereign should carry with it the right of free movement within the Empire. But they were up against constitutional and practical obstacles which they were powerless to break down. Autonomy which gave the dominions the right to regulate such matters free from the intervention of the Imperial Parliament, autonomy to which India herself aspired, they could not challenge or attack. Expedients that might savour of retaliation were open to the serious objection of being disruptive of imperial unity. Further, it was evident that retaliation could produce no results satisfactory to India, owing to the infinitesimal extent of the interests affected, while it might conceivably make the position of domiciled Indians in the countries against whom it was aimed, worse. On the other hand, popular feeling necessitated some solution of the difficulty which would be acceptable at least to the more reasonable section of the community. The invitation of India to participate in the Imperial War Cabinet in 1917 provided a much needed opportunity for personal discussion. Sir S. P. Sinha (now Lord Sinha) laid a memorandum, detailing the disabilities of his fellow-countrymen in the dominions, before his colleagues, and there was a frank exchange of views, which

resulted in the unanimous recognition by the Conference of the principle of reciprocity between India and the dominions. The memorandum was circulated to the Dominion Governments for their consideration and the Conference which met in the following year passed another Resolution of which the terms are reproduced below :—

“(1) It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restrictions on immigration from any of the other communities.

“(2) British citizens, domiciled in any British country, including India, should be admitted into any other country for visits, for the purposes of pleasure or commerce, including temporary residence for the purpose of education. The conditions of such visits should be regulated on the principle of reciprocity as follows:—

- (a) The right of the Government of India is recognised to enact laws which shall have the effect of subjecting British citizens domiciled in any other country to the same conditions in visiting India as those imposed on Indians desiring to visit such country.
- (b) Such right of visit or temporary residence shall, in each individual case be embodied in a passport or written permit issued by the country of domicile and subject to *visa* there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires.

- (c) Such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement... ..

“(3) Indians already permanently domiciled in the other British countries should be allowed to bring their wives and minor children on condition (a) that no more than one wife and her children shall be admitted for each such Indian, and (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.”

The vital part of the resolution is included in the first two paragraphs which enunciate and define the principle of reciprocity in matters of immigration. It has been criticised by certain sections of opinion in India as involving a surrender of the rights of imperial citizenship. But it has to be recognised that imperial citizenship has no legal significance and that the acceptance by the Government of India of a *fait accompli* involved no surrender of any practical privilege. On the other hand the compromise enabled a satisfactory settlement of the question of the entry of Indians into the dominions for temporary residence as well as that of the admission of the wives and minor children of domiciled Indians. Both had given rise to much irritation in the past, and had been a constant source of misunderstanding between the dominions and India.

The discussions which took place in London during 1917 and 1918 had cleared the air of much misconception. The first part of the Reciprocity Resolution recognised the right of the dominions to control their own populations. The last part of paragraph 2 of the resolution prohibited the entry

of Indians for purposes of labour even as a temporary measure. Every safeguard had thus been provided against the influx of Indians into their borders. It was this fear which had always been pleaded in justification of the restrictions which the dominions imposed on Indians and, once a satisfactory assurance had been given that such an influx would not be permitted, public opinion in India naturally began to clamour for a prompt removal of disabilities which in some parts of the Empire still pressed on the domiciled Indian community. The war had widened the national horizon and quickened national aspirations. Equality of sacrifice, of suffering, of valour in the greatest struggle in which the Empire was ever engaged, created an insistent demand for equal participation in the privileges of peace. The ideals of freedom which had been so eloquently preached by allied statesmen during the war had set men thinking as to the real basis of Empire and the conditions on which it could justly claim the allegiance of its subjects. The upheaval of mind caused by the world-conflict had destroyed old perspectives and opened new vistas. The Government of India were fully aware of this subtle but manifest change. When the Imperial Conference met again in London in 1921 their representatives put forward a bold claim for equality of citizenship for Indians who were lawfully settled in the dominions. It was carried in the form of a resolution, but South Africa dissented. Part of the resolution would bear quotation :—

“The Conference, while reaffirming the Resolution of the Imperial War Conference of 1918 that each community of the British

Commonwealth should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities, recognises that there is an incongruity between the position of India as an equal partner of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Conference accordingly is of the opinion that in the interests of the solidarity of the British Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognised.

"The representatives of South Africa regret their inability to accept this resolution in view of the exceptional circumstances of the greater part of the Union."

The ideal which Lord Salisbury had laid down in 1875 thus received the authoritative assent of the representatives of every part of the Empire except South Africa. Its realisation may take time, but the importance of the step which the Conference took in 1921 cannot be over-estimated.

To induce the Governments of the Dominions on whose behalf the Resolution had been accepted, the Government of India deputed the Rt. Hon. V. S. Srinivasa Sastri in 1922 to visit Australia, New Zealand and Canada. His report which was published early in 1923 gives, on the whole, a hopeful account of the prospects of Indians in the political as well as economic sphere. Reforms which would make the ideal a reality have obstacles to overcome, but its ultimate success seems to be reasonably assured.

The foregoing survey of the policy of the Government of India brings out the important fact that ever since public opinion began to crystallise in India on the question of the status of Indians in the British Possessions overseas, whether in regard to entry or to residence, it has had the support and sympathy of the authorities. If action, as in the case of the abolition of indenture, was slower than popular sentiment demanded, it was due to the complexity of the problem which arose from the variety of interests involved, and the necessity for allaying opposition in influential quarters. For long they refused to accept the immigration policy of the dominions though their attitude was open to the criticism that it displayed an academic indifference to realities. They agreed to the compromise of 1918 solely in the interests of the domiciled Indian communities—a consideration which is no less weighty than that of safe-guarding Indian national self-respect. Their latest legislation makes them the guardian of Indian prestige and Indian interests overseas jointly with the legislature. Together the two must shape the future.

CHAPTER V

CEYLON, MALAY AND THE STRAITS SETTLEMENTS

CEYLON

It has already been stated that emigration from India to Ceylon is of ancient date and has almost throughout been unrestricted. In modern times it received fresh impetus by the development, first of the coffee industry which absorbed practically all the labour that left India for the island between 1842 and 1880 and, subsequently, by the establishment of tea and rubber plantations which since the eighties have been the biggest customers of Indian labour. The extent of the migration is indicated by the fact that between 1919 and 1921 nearly 160,000 labourers were despatched to Ceylon. The figures of the population of Indian origin in the Colony also bear testimony to the dependance of the island on Indian labour. According to the 1921 census there were in Ceylon 1,407,000 persons of Indian extraction, of whom more than a million were Tamils. Of these the great majority were employed on tea or rubber estates, and 30,000 were engaged in other professions such as trade, Government service, etc.

Recruitment for Ceylon has been carried on by a special agency which differs from that employed by any other colony except, perhaps, the Straits Settlements. Its pivot is the Kangani or Sirdar who in the old days induced men of his own kin to accompany him to the island, but whose sphere of

selection now extends beyond the family circle and includes neighbours, friends and even strangers living in his own village or in the immediate neighbourhood. His operations in India are supervised by the Ceylon Labour Commission, an organization which was set up by the planting community of Ceylon in 1904 in order to co-ordinate and supervise the activities of recruiters, and economise expense. The recruit has his expenses defrayed by the Kangani and also generally receives advances before leaving India. Both in the case of old debts and new ones, the law has been relaxed so as to make liability for the debt purely a civil one. Formerly this debt was an everlasting incubus which was transmitted from generation to generation; and reduced the emigrant to the position of the Kangani's bondsman. It may be of interest to recount the history of this system which gave the Kangani so much power over the labourers whom he recruited. As will be noticed subsequently the Kangani was the patriarch of his particular gang of working-men who implicitly acknowledged his leadership. He wasn't loth to make use of his power when the demand for labour in the island exceeded the supply, as was the case for considerable periods; first during the heyday of the coffee industry, and, later, when tea and rubber took its place as the staple produce of the Colony. In order to enable labour to change its employer, a system of 'tundu' had grown up which consisted in the Kangani seeking a discharge for himself and his followers from an estate on payment of the debts due to it by them. These included at first the emigrant's travelling expenses as well as advances which he had secured

from time to time for sundry expenses. When the shortage of labour placed the employer more or less at the mercy of the Kangani the coolies asked for extravagant advances and, if these were not forthcoming, the Kangani would promptly demand his 'tundu' which he would hawk round the estates until some one was found willing to engage him and his gang at the price of the old debts and a fresh advance. The 'tundu' thus became an instrument of industrial blackmail. But it did not benefit the labourer for hardly any portion of the advance ever found its way into his pocket. The bulk of it was appropriated by the Kangani while his burden of indebtedness increased. It was a thoroughly pernicious system for it demoralised the employer, impoverished the labourer and spoiled the Kangani. Most estates must have realised that the advances were the worst of bad debts; the honest Kangani who shared the advances with the labourer should have been equally sceptical of the chances of recovering a substantial portion thereof from the labourer. It was fortunate, therefore, that 'the tundu' was abolished in 1921.

In allowing renewal of emigration to Ceylon which the Emigration Act of 1922 would otherwise have automatically stopped, the Government of India, on the advice of the Standing Emigration Advisory Committee, have laid down that in future the Indian labourer should start free from any debt, and that the old and probably irrecoverable loans which still constitute a valid claim by the Kangani should be written off. As this would devolve a large responsibility on the employers on whom the burden of cancellation will ultimately fall, they have

expressed their inability to shoulder it in the near future, and the reform may take some time. But of its necessity there can be no doubt in the mind of any one who is familiar with the evils of the Tundu system.

Among the other conditions which the Government of India have suggested is the fixation of a basic minimum wage, and the repeal of all penal legislation affecting the breach of contracts for labour. The former will form the subject of enquiry; the latter has been unreservedly accepted. It has also been suggested that basic wage should be so calculated as to (a) allow a margin for savings, for sickness and for old age and (b) be sufficient to maintain a labourer in tolerable comfort, according to his standard of living, regard being had to the fact that a male may have to provide for a family.

In regard to political rights the Government of India have suggested that in any scheme of representation which may be put into effect, Indians should receive the same treatment as any other class of the population of the island. At present the Indian community is represented by one nominated member on the Legislative Council. Indians exercise the municipal franchise on the same basis as any other element of the population of the island.

The conditions of the labourers on the estate would, on the whole, appear to be satisfactory. Adequate provision for housing, sanitation and medical care has been made. The labourer receives medicines and medical attendance free of charge. There are no less than 54 Government district hospitals in the planting areas, staffed with qualified medical officers, nurses and attendants, which can

receive as many as 4500 patients. In addition to these, there are 81 outdoor Government dispensaries and hospitals built, staffed and maintained by the proprietors of the estates.

The picture of the manner in which labour on an estate is organized still presents many patriarchal features. Men work in gangs of varying size up to 25 to 30 under a Kangani or a sub-Kangani. The domestic affairs of its members are controlled by the Kangani who settles private disputes and deals with all minor complaints and grievances. Except in regard to the payment of wages he is the intermediary between the estate and the workmen in all financial matters. The gang continues to be collectively responsible through the Kangani to the estate for the debts of absconders or deceased members.

In 1917 the rate of wages of the labourer varied from Rs. 10·18 to Rs. 8·4 per mensem for men; from Rs. 6·24 to Rs. 4·34 for women and Rs. 5·69 to Rs. 3·96 for a child. The Kangani was paid at a higher rate and besides his monthly salary received 2 cents for every labourer that turned out to work, and a bonus of Rs. 15 for every recruit brought by him that remained on the estate for a period of time varying from six months to a year.

MALAY & STRAITS SETTLEMENTS

Emigration to the Malay peninsula began early in the last century and owes its origin and development to the demand for labour which grew up simultaneously with the establishment of British power on the eastern side of the Bay of Bengal. "It was a purely voluntary movement on the part of the people stimulated by their own interests and wishes; it was not assisted by

any law, neither was it impeded by any law, till the year 1857, when Acts were passed to regulate passenger traffic in the Bay of Bengal which had the effect of restricting emigration indirectly by increasing the cost of the voyage." At this time labour was recruited by agents especially sent over to India for the purpose by the employers, although shipowners, merchants and others also carried people on their own account as a commercial speculation. Act XIII of 1864 made this practice illegal by expressly excluding the Straits Settlements and Malay from its provisions, although at that time they were under the administrative control of authorities in India. In 1867 this administrative unity came to an end, but emigration continued until 1870 when attention was drawn to its illegality by a Magistrate in Madras who alleged that the recruiting was accompanied by various forms of abuse. On inquiry these allegations proved to be exaggerated if not altogether unfounded, but the anomaly of allowing emigration in the face of legal prohibition was realised. Protests from the authorities of the Straits Settlements against a complete prohibition of emigration, combined with this circumstance, led to the passing of an amending Act in 1872, legalising the movement of labour to this area. Persons migrating to the Settlements at this time fell into three classes :—

- (1) Those who went on their own account without any monetary assistance or engagement to work ;
- (2) Those who received some sort of assistance in consideration of an agreement or engagement as to future repayment ; and
- (3) Those who migrated under a definite contract to labour.

The Government of India felt that the last two classes needed protection, and a Bill was accordingly introduced in 1876 which aimed at fixing by statute the maximum term of a labourer's engagement and a minimum remuneration. The Colonial authorities by an Ordinance of August 1876 fixed the term of contract of labour at three years, but the proposal for a minimum wage came to nothing.

A fresh evil had meanwhile manifested itself in the form of an export of labour from the French ports of Karikal and Pondicherry by processes which were against the law but which, the fact that these ports were situated in French territory, made it impossible to check. The machinery of restriction had broken down, and the fact received legislative recognition in the Act of 1883 which rendered emigration to the Straits Settlements free. The position was thus assimilated to that of Ceylon and the subsequent history of Indian emigration to the Colony needs no comment.

The machinery of recruitment differs from that employed for recruitment for Ceylon in that since 1908 it has been controlled by the Colonial Government. This result was the outcome of difficulties which originated in an increase in the demand for labour. Free recruiting involved competition which was financially ruinous to many, and penalised the honest employer who was unwilling to resort to the questionable methods of his less scrupulous rivals. Crimping was rife and the only way out of the difficulty seemed to be to regulate both recruitment and distribution by means of an impartial official agency. The present arrangement is that recruitment is carried out under the authority of the Controller of labour from funds

which are contributed partly by the employer and partly by the State. The Kangani, as in the case of Ceylon, is the chief instrument employed for securing recruits, and the precautions in regard to the examination of the recruit prior to departure, his medical inspection, his detention in depots in India, and the conditions under which he lives on the estates, are similar to those which are employed by the authorities in Ceylon.

Since 1910 recruitment on indenture has been discontinued and Indian labourers are now employed on monthly agreements. They can leave an employer after a month's notice or on payment of a month's salary in lieu of notice. Wages which in the case of men average Rs. 17-3-0, and in the case of women Rs. 14, are paid monthly, and rations are also generally sold by the employing estate at rates lower than those prevailing in the market. For these the labourer has to pay out of his wages. As the cost of living has been estimated at Rs. 11 per mensem for each adult, there is a slight margin of saving both in the case of men and women. The margin would seem to be real for in 1915, 1,500 of them held 84,410 dollars in the Savings Bank, and personal inquiry made from returning labourers on board ships showed that the average sum brought back by each varied from 30 dollars to 200 dollars.

The Labour Codes in force in Malaya contained until recently several penal provisions for labour offences. Under the Code these offences could be punished either by fine or imprisonment. By enactments passed in 1921 and 1922 the penalty of imprisonment provided in the Federated Malay States Labour Code was abolished for purely labour offences.

The sections providing penalties for neglect of labour, for a labourer disabling himself for work, and the provision authorising arrest of deserters or absconders were also repealed by the enactment of 1921. Similar action has been taken by the Government of the Straits Settlements.

The Indian population of Malaya is 471,000 of whom 3,60,000 are employed on estates. Proper house accommodation in sanitary surroundings and medical care are ensured to them by the law. There are 95 Government hospitals and 222 hospitals maintained by private employers which have a combined capacity of receiving 12,000 patients. A large number of estates also maintain schools for the children of labourers, the total including State and other private institutions being 105. Politically Indians enjoy complete equality with other classes of the population; but no Indian is a member of the Federal State Councils in Malaya, or the Legislative Council in the Straits Settlements. For the convenience of the Indian employees on estates, a weekly service of steamers is run between India and Malay. The situation is similar in the Straits Settlements where the Indian population is 109,000 of whom nearly 39,000 are employed as labourers on estates.

As in the case of Ceylon the Government of India on the advice of the Standing Committee of the Legislatures have made certain conditions which must be fulfilled before emigration to the Straits Settlements and Malaya is renewed. These include inquiry into the possibility of fixing of a basic wage, and empowering the Controller of Labour to order employers to provide schools for the estate children, to provide maternity benefits to women and

to repatriate Indians who because of indigence or decrepitude or want of employment cannot afford to pay for their return passage to India.

CHAPTER VI

MAURITIUS, TRINIDAD, JAMAICA, FIJI AND BRITISH GUIANA

MAURITIUS

As has already been stated, emigration from India to Mauritius was the first to start in the 19th century. Between 1839 and 1910 there was, with two interruptions, a steady flow of emigrants to the island, the bulk of whom were recruited under a system of indenture. The progress in the Indian population of the island is indicated by the following figures of decennial censuses beginning from 1851 :—

INDIAN

Year	Male	Female	Total
1851	64,282	13,714	77,996
1861	141,615	51,019	192,634
1871	141,804	74,454	216,258
1881	151,352	97,641	248,993
1891	147,499	108,421	255,920
1901	143,100	115,986	259,086
1911	138,974	118,723	257,679
1921	139,150	126,374	265,524

Emigration was stopped in 1910 as a result of the recommendation made by the Sanderson Committee that the civil population was sufficiently large to supply the necessary demand for labour, that cultivation had reached a stage when there was very

little land available for fresh emigrants, and that the general growth of poverty in the island would only be accentuated by any addition to the labouring population. This last argument was supported by the fact that the proportion of the general population relieved per thousand had risen from 26·4 in 1899 to 35·2 in 1908. Attempts were made in 1912, and again in 1915, to secure labour from India for employment on Government works. But the growing popular opposition in India to any continuance of the indenture system, and the prevailing poverty in the Colony, combined with the opposition of the Indian community to any fresh importation, induced the Government of India to reject the request. In 1921 the Government of Mauritius renewed their demand. They sought to justify it on the "recent great increase in the wealth of the community", which, it was contended, had created a very serious shortage in the local labour supply. It was also argued that many of the Indian labourers who had formerly worked on the estates had become peasant proprietors and that, but for a re-opening of emigration, important public works, of which the execution would benefit the Indian community as well as the rest of the population, would have to be abandoned. The Mauritius Government also asked that labourers should be permitted to proceed for general industrial employment. They offered to send a deputation including representatives of the Indian community to put their case. Such a deputation interviewed the Standing Advisory Committee on Emigration this year, and as a result of their representations the emigration of 1,500 labourers to Mauritius for employment on public works has been sanctioned. The request for emigration which

would meet the requirements of private employers had to be refused because of the very restricted opportunities for settlement on land now existing in the Colony and periodic industrial depressions which, it appears, serve to lower the net annual earnings of the Indian labouring population.

Prior to 1878 the Ordinances of the Colony affecting labour were far from satisfactory. There were complaints against the administration of these laws which were considered to be unduly severe, and a Commission of Enquiry was appointed in 1874, whose report formed the basis of an amended Ordinance which was passed in 1878 and remained operative until 1922. The most objectionable feature of the laws, prior to 1878 was the relentless pursuit of the fictitious crime of vagrancy which practically drove the emigrant to re-engage after his term of indenture had expired. The latter Law was repealed in 1922, but certain penal clauses governing breach of labour contracts were retained. And the provision which required the labourer to make good his period of absence by extending the period of contract by an equivalent period was also allowed to stand in 1922. These provisions have also been repealed by a new Ordinance which came into operation with effect from the 8th May 1923. The new law also makes provision for payment of a minimum monthly wage of ten rupees, for the supply of rations, of medical attendance and of suitable accommodation for the labourer during his employment on an estate. Power is retained to vary the minimum wage when circumstances should require it, and the expense of repatriating an immigrant whether for reasons of ill-health, or reasonable dissatisfaction with the

conditions of employment, or on the expiration of a contract, is to be charged to a special fund to be created for the purpose and administered by a committee appointed by the Governor.

The present Indian population of the island is 255,000 of whom 23,000 are still working under indenture. Wages during the cane cutting season are high, and in some cases amount to Rs. 3 or Rs. 4 per diem. The extent of the hold which the Indian population has acquired over culturable land is evident from the fact that out of a total area of 180,000 acres under cultivation, 82,000 acres are cultivated by Indians. Further proof of the prosperity of the Indian community is given by the following figures which show the extent of transactions in landed property to which Indians were parties.

Year	Value of real property purchased by the Indian population during the years 1917-1921
1919	Rs. 5,427,544
1920	8,760,949
1921	10,601,107

Between 1911 and 1921 the number of Indian labourers decreased from 68,000 to 59,000 or by about 13 per cent. During the same period the area cultivated by them increased by 20 per cent. This is further proof of the progressive prosperity of the Indians.

Politically Indians are subject to no disabilities and there are Indian electors, although no Indian ever

appears to have sat on the Legislative Council. The preponderance of the Indian population in numbers, and its substantial wealth, the political and economic equality which they enjoy with other classes of His Majesty's subjects, and the natural conditions of the island which are peculiarly suited to the Indian, point indisputably to an era of increasing wealth and influence for the community in Mauritius.

TRINIDAD

The Colony of Trinidad was one of the worst sufferers from the emancipation of slaves. Various expedients to secure labour locally or from the neighbouring countries having failed, it was decided to introduce indentured immigrants from India. The first batch left Calcutta in 1844, and by 1848, 5,162 had entered the Colony. Between that year and 1851 emigration was temporarily suspended, but was renewed in the latter year. From 1851 to 1891 no less than 48,000 immigrants came from India, while the number of returns during the period did not exceed 12,000. In 1901 the total population of Indians in the Colony numbered 87,697 and in 1921 the number had risen to 128,000.

The part played by the Indian community in the development of the Colony may be estimated from the rise in the value of its imports and exports. The Sanderson Committee gave figures to show that between 1850 and 1908-09 the former had risen from 476,000 to 2,680,000 dollars, and the latter from 319,000 to 2,560,000 dollars. At first sugar was the principal produce but of recent years cocoa has taken its place.

The labour laws of the Colony were, at the commencement of Indian emigration, defective in that

they did not impose effective restrictions on labourers breaking their contracts and wandering off with loss to their employers and frequently destitution for themselves. In 1870 a consolidating and amending Ordinance was passed which tried to control the conditions of service of the labourer, and subsequent amendments were made in 1899, 1902, 1903, and 1916. The present law is embodied in Ordinance No. 36 of 1916, and contains provisions similar to those of the British Guiana Ordinance relating to the accommodation, medical care, and payment of wages of the indentured labourer. A minimum wage of 1 shilling and $\frac{1}{2}$ d. per working day of nine hours, and rations, for which alone deductions are permissible by the employer from wages, are also prescribed, the period for which these are to be given being fixed by the Protector of Immigrants. Penalties for neglect of work, illegal absence, desertion and the use of abusive language or violence to the employer or anyone else working on an estate, are provided, though they are not of a severe character, being largely of the nature of fines. The arrest by a constable of an indentured labourer on suspicion of desertion is lawful. The employer is also liable to the punishment of fine in the event of neglecting his obligations under the Ordinance relating to the provision of rations, medical attendance, suitable accommodation, etc., for the indentured labourer. Violence on the part of an employer or his agent, such as assault, is punishable with imprisonment that may extend to two months. The Sanderson Committee drew attention to the large number of prosecutions for absence from work and desertion, which they calculated averaged approximately 16 per cent of the indentured

population. The latest figures, however, seem to indicate that there has been considerable improvement in this respect, probably owing to the great reduction in the number of the population under indenture. Repatriation is free for destitute or disabled immigrants or their dependents; for others it is assisted, the measure of financial aid given by the Colony varying with the period of an immigrant's industrial residence.

Of the 128,000 inhabitants of the Colony only 45 are now under indenture ; 2,300 are employed as free labourers on estates ; while the remainder are engaged in various occupations. Indians are to be found in the Government and mercantile services and in the legal and medical professions ; and also find employment as mechanics, chauffeurs, etc. There are many large and wealthy proprietors, besides a good many small ones. The total land owned by the Indian community in 1921 was 95,772 acres, exclusive of the county of Caroni, with regard to which separate statistics are not available. The deposits made in the Savings Bank amounted to £123,000 during that year, the number of depositors being 12,454.

On the whole, the position of the Indian community in the Colony would appear to be one of considerable prosperity and is best described in the terms of an address which they presented to the Indian deputation to British Guiana headed by Diwan Bahadur Kesava Pillai : " In the Colony of Trinidad and Tobago our people enjoy equal freedom with the rest of the community, and are, therefore, in a position to rise to that degree of progress which is manifestly commensurate with the opportunities which have been thus permitted to us ".

JAMAICA

The migration of Indian labour to the island of Jamaica has a somewhat chequered history. In 1845 and the following two years the Colonial Legislature passed a Resolution to make provision for the importation of 5,000 coolies and between that year and the year 1847, 4,500 coolies were actually introduced. These men, however, were under no contract to serve, and as the only penalty for unemployment was the payment of a small fine of 5sh. for every month passed, out of "industrial contract", the experiment did not prove a success. Less than one-third of the emigrants remained in the island; of the remainder, one-half returned to India and the rest either died or disappeared. The financial loss to the Colony was about £80,000, and the emigration from India was stopped. In 1860, when the Legislature sanctioned a loan of £150,000 for expenses of immigration, immigration was renewed and led to the introduction of another 4,600 immigrants between that year and 1863. This time labourers came under a contract to labour for two years "with further contracts of not less than one year's duration up to the total amount of five years." But conditions on the estates continued unsatisfactory and necessitated the introduction of a new Emigration law in 1869. This measure provided for regular work as well as for a fixed wage. Proper arrangements for the housing and medical attendance of men employed on the estates were also insisted upon. "The term of indenture was fixed at five years and, after that period, the immigrants were free to dispose of their labour as they pleased." This law revived immigration which was fairly brisk up to about 1876.

Further financial difficulties led to a suspension of organized recruiting, and immigration on a large scale into the Colony may be said to have ceased from 1879. Attempts were made between 1889 and 1890 to obtain local labour, but without success. Importation was resorted to again in 1891 and continued till 1897 when it was stopped owing to an outbreak of plague in India. There was fresh immigration in 1899 and 1900, but in 1902 another attempt was made to secure native labour which proved as unsuccessful as the others. It is unnecessary to pursue the history of these frequent renewals and suspensions in greater detail. Since 1911 when the Government of India practically abolished the recruitment of indentured labour, there have been no labourers entering the Colony.

The labour laws of the Colony present no special features and are similar to those of other British possessions in the West Indies, employing indentured labour. They are to be found in Law 23 of 1879 which consolidated previous legislation on the subject and has been but little altered. The first indenture may be for a period of five years and subsequent annual renewals are permissible. The indentured immigrant is entitled to suitable accommodation, medical attendance in public hospitals, and rations, unless he is earning more than six shillings a week, which are chargeable to his weekly wages at cost price to the employer. On completion of 10 years of industrial residence he is entitled to one-half of the cost of return passage, unless the right has been commuted for a land grant. Destitute and infirm persons have the right of free repatriation. Desertion, carelessness or negligence

in the discharge of appointed duties, disorderly conduct or the use of violence to employer or his agent or penal offences, and the punishment prescribed is a fine or, in the alternative, imprisonment with hard labour that may extend to two months, except in the case of desertion or wilful indolence which are punishable with fines only. The employee's liability to fines extends to failure to provide suitable accommodation, withholding of wages, assault and non-compliance with rules relating to maintenance of registers.

On the 31st December 1920 the indentured population was 19,396, while there were 18,821 free Indians, the majority being employed in various manual occupations such as agricultural labour, planting, market-gardening, trade, etc. Indians own 11,111 acres of land, of which the value is estimated at £69,809. They also own livestock valued at £18,642. Indians born in Jamaica or who have completed ten years' residence in the Island possess the same political rights as the native section of the population, and according to the report of the Protector of Immigrants for 1920, there were 375 Indians on the electoral rolls. Wages of indentured labourers are said to amount to as much as 4 sh. a day or even more, but the weekly average of the whole Island works out at £0-12-6 for men and £0-8-6 for women. The average cost of living is said to be about 8 sh. a week, so that there seems to be a certain margin left over for saving after defraying the necessary living expenses. Separate statistics of Indian holdings in Savings Bank are not available as a joint account is kept for all nationalities by the department. On the whole, the position of the Indian population would

appear to be one of reasonable, though not substantial, prosperity.

FIJI AND BRITISH GUIANA

As a result of the decision of the Government of India to stop the recruitment of Indians to serve under indenture, emigration both to Fiji and British Guiana practically ceased in 1916. The resulting shortage of labour, and the demand for more inhabitants in these sparsely populated countries led to the arrival of two deputations in India in 1920, from British Guiana and Fiji. Their aim was to secure the reopening of emigration to these colonies. The British Guiana deputation consisted of Dr. J. J. Nunan and Mr. Luckhoo. The Fiji deputation was composed of the Bishop of Polynesia and Mr. S. D. Ranken, an officer of the Fiji Government. As a result of the representations made by them both to the Government of India and to non-official members of the Indian Legislature, Mr. (now Sir) Surendra Nath Banerji moved a resolution in the Imperial Legislative Council on the 4th February 1920 asking for the appointment of a Committee of the Council:—

- (a) to examine the scheme of colonisation which the British Guiana deputation had put forward and to report thereon and make recommendations to the Government of India; and,
- (b) to meet the deputation from Fiji and examine any proposals which they might put forward and to report thereon and make recommendations to the Government of India.

The Committee also went into the credentials of the two deputations, and after satisfying itself as to their authoritative character, it made the following report :—

That in view of the guarantees and safeguards which Dr. Nunan and Mr. Luckhoo were prepared to provide by legislation and otherwise, it was inclined to take a favourable view of the scheme of colonisation presented by them, but before recommending definite acceptance of it, it advised the appointment of a deputation of three competent persons to proceed to British Guiana in order to investigate the conditions on the spot and report to the Government of India. The scheme propounded by Dr. Nunan was that Indian settlers should emigrate to British Guiana with their families at the expense of the Government of the Colony which, it was alleged, would provide them with land on easy terms and help them financially to set up as small farmers. As regards persons emigrating for labour purposes, it was said that Government would guarantee them employment at local rates together with housing accommodation, plots for gardening, and grazing privileges, and award 5 acres of coast or river land to each family which had been employed on agricultural work for 3 years. A graduated scale of financial aid towards passages was also suggested for the repatriation of those persons who did not wish to settle in the country. The guarantees related to the admission of Indians in the Colony to full equality of citizenship.

The conclusions of the Committee with respect to Fiji were twofold :—

- (1) that the Government of Fiji be asked to give guarantees similar to those which

the British Guiana deputation declared that their Government was prepared to give, and

- (2) that if the Government of Fiji did give those guarantees, the Government of India should send a deputation, similarly constituted, to test the scheme generally, and especially as to the question of the adequacy of wages.

The deputation to British Guiana was composed of Dewan Bahadur Kesava Pillai, Mr. G. F. Keating, formerly of the Indian Civil Service, and Mr. Venkatesh Narayan Tiwari of the Servants of India Society, and visited the Colony in February of last year. Their terms of reference were :—

- (1) to investigate local conditions ;
- (2) to examine on the spot the suitability of the colonisation scheme prepared by the representatives of British Guiana ; and
- (3) to report whether any further guarantees in respect of the status of Indian emigrants are necessary before emigration is reopened ;

and it was only sent after a draft ordinance, prepared by Dr. Nunan and his colleague, had been accepted by the Colonial Government, and an assurance received that it would undertake legislation guaranteeing to Indian emigrants to the Colony equal political rights with other classes of British subjects.

Fiji

In March 1920 the recommendations made by the Committee of the Legislature were communicated by the Government of India to the Fiji deputation. On the 3rd of July the same year, the Government of the

Fiji Island notified to the Secretary of State for the Colonies that the necessary guarantee assuring to Indians equal political rights with other classes of His Majesty's subjects settled in the Island would be given. A Committee was accordingly appointed by the Government of India to visit Fiji. Its terms of reference were as follows :—

- (1) to inquire into the conditions of Indians now resident in Fiji, and to ascertain the causes of discontent ;
- (2) to advise whether or not, having regard to all the circumstances of the case, Fiji offers a suitable field for Indian colonisation ; and
- (3) to inquire into the question whether land suitable for colonisation for Indian officers and men is available in the Colony, and if so, on what terms land settlement can be arranged.

The first term of reference was introduced in consequence of labour troubles in Fiji which had given rise to considerable discontent among the Indian community and formed the subject of adverse comment in the Indian Press. Public attention had been focussed on this Island for some time past owing to reports of immorality prevailing among the indentured population, and the ill-treatment of the labourer on plantations by overseers and employers. The Sanderson Committee had drawn attention in 1908 to the large number of prosecutions for labour offences, and the Government of India had also commented adversely on this aspect of the case in reviewing the report of Messrs. MacNeill and Chiman Lal in 1915. It should be added, however,

that the tendency to resort to courts on small pretexts was common to most colonies, and not peculiar to Fiji. The third term of reference was designed to elucidate whether conditions in the Island would be favourable to a scheme of colonisation by officers and men of the Indian Army, and was the outcome of a recommendation made by the Committee on the Army in India which was presided over by Lord Esher. The constitution of the Committee which visited Fiji was as follows .—

Mr. Venkatapathi Raju, Member of the
Legislative Assembly

Mr. Corbett, C. I. E.. I. C. S.

Mr. Sharma, Member, Legislative Council, U.P.
Lieutenant Hissamuddin Khan.

The Indian population of this Island numbers 60,000, of whom 37,000 are males and 23,000 females. Of these nearly 33,000 are Indian-born and 26,000 Fiji-born. Classified according to their province of origin, 18,000 of the Indian-born come from the United Provinces, and 9,000 from Madras. In relation to the total population of the island, which amounts to 157,000, the Indians bear the ratio of 3:8. According to the last census, 19,000 Indians are classed as agriculturists of whom 4,130 are described as labourers. Others labelled agriculturists and cultivators only own small plots of land which they frequently lease from the Colonial Sugar Refining Company, but are also part-time labourers. The commercial Indian includes merchants, store-keepers, and store assistants. Nearly 13,000 are classified as domestic servants, and include women whose only occupation is to look after their

own families. The number of children under 10 years of age is 19,000.

Two recent events have cast a gloom over the life of the Indian community in Fiji, and led to much tension of feeling between it and the white settlers. These are the strikes of the January-February 1920, and of February-August 1921. The first strike was due to the high cost of living which had not been met by a proportionate increase in wages. A Commission appointed by the Government of the Island in March of that year reported that "the increase in the cost of living amounted at a moderate estimate to not less than a hundred per cent., whereas wages had only risen by 50%." To quote the words of the Governor, "It would appear from the foregoing statements that emigrants under indenture must find it impossible to live." During the strike, incidents occurred which led to the appearance of an unfortunate spirit of racialism, and although the strike had originally started on the sugar plantations, the racial factor led to its becoming general. There were riots at a place called Tooraki and again at Samabula. Shots were fired during the latter riot, and resulted in the death of one Indian. These riots took place on the 8th and 13th February respectively. By the 16th the strike had ended, and the strikers returned to work as a result of the persuasive efforts of two Indians of influence, and one high Government official. The Wages Commission, from which an extract has already been quoted, was appointed in March, and as a result of its recommendations the Indian coolies received an extra bonus of 6d. a week.

The strike had come to an end, but it left a legacy of discontent of which the first outward sign was a

widespread demand for repatriation. Indians were in an unhappy mood. Economic discontent played its part in keeping discontent alive. Meanwhile a factor so potent where Indian peoples are concerned, had appeared in the Colony to inspire them with a new spirit of national pride, of resentment of wrong, of resolve to resist injustice. This was the advent in the island of one Bashishth Muni, popularly known as "the Sadhu." Bashishth Muni, whose antecedents are shrouded in some mystery, appeared in the island towards the end of March 1920 and devoted the following nine months to a tour of all the Indian settlements in Fiji. He was primarily a religious teacher who preached a return to the ancient Hindu faith, but also did much social work among the poorer Indians, who in course of time came to look upon him with feelings akin to adoration. The two influences combined to bring about another strike in March 1921 which lasted till August. It caused much suffering, for the resources of the indentured coolies were far from inexhaustible and distress manifested itself before their resistance had lasted long. But the strike persisted, and it is doubtful whether the situation would have improved but for the announcement that the Government of India were sending a Committee to Fiji, which the Indian population doubtless looked upon as the harbinger of a new era of hope.

As to the present economic condition of the Indian population, it is difficult to form a correct idea in the absence of accurate statistics. The total area of land held by Indians seems to be in the neighbourhood of 45 000 acres which, per head of the population, gives an average of less than an acre. Generally speaking, holdings are small. Undoubtedly some

Indians have done well and may even be described as wealthy, and the standard of living among the professional classes in towns is probably higher than in India. Domestic servants also earn a comparatively higher wage, but the great mass of labourers and small cultivators are by no means well off, and one may doubt whether their situation is in any respect better than that of persons of their standing in India. The labourer's lot would appear to be particularly hard, for while the cost of living averages over 3 shillings a week, the Sugar Refining Company, which is the largest employer of labour in the Colony, has recently reduced its wage from half a crown to £0-1-6. The recent decision of the local authorities to impose a poll-tax on residence of £1 per annum will impose a further hardship upon this portion of the community. Politically the position of the community is no more satisfactory. Up to the present the Indian community was represented by only one nominated member. Recently the Fiji Legislative Council has adopted a proposal to give Indians two elected representatives on that body. The proposal cannot be described as commensurate with the pledge of equality which the Government of India demanded as a condition precedent to sending their deputation, and which the Fiji Government publicly guaranteed in the Fiji Royal Gazette of the 27th June, 1921. For the concession of two representatives to 60,000 Indians, when 4,000 Europeans have 7 seats on the Council, cannot be described as even an approximation to equality.

BRITISH GUIANA

The result of the total emancipation of slaves in 1838 in this Colony, as elsewhere, was that the Negroes having ample land to settle on refused to work on the estates except in a most irregular manner and for prohibitive wages. This was a severe blow to the industries of the country, and led to the practical disappearance of coffee and cotton estates. A number of the sugar estates had also to be abandoned, and to save the Colony from what threatened to be industrial extinction, immigration on a large scale had to be undertaken. At first attempts were made to meet the demand by importing Negroes from the West Indian Colonies and also from other sources. But the other sources could not yield a steady and reliable labour force, and in 1838 emigration from India was started. It was stopped for a time owing to agitation against indenture in England, was resumed in 1844 and continued till 1848 when great mortality broke out among the immigrants in the process of acclimatisation, and there was another suspension of immigration until 1851 when it was renewed. Since then it continued almost uninterrupted until 1911 when the export of indentured labour from India practically ceased.

The Indian immigrants, in the earlier years, were not obliged to work beyond the statutory period of one month. This was unsatisfactory from the point of view of the employer as well as the labourer himself who had no facilities for residence or medical attendance, and no guarantee of regular employment. Legislation was therefore directed towards extending the term of engagement. There were three successive stages. At first the contract was limited to six months;

it was extended to three years in 1848, extended again in 1854 by means of renewals up to a maximum of 10 years, and finally fixed in 1862 at 5 years. In 1870 one Mr. Desvoeux complained to the Colonial Office that there were gross abuses in the law and administration with respect to Indian immigrants, and his allegations led to the appointment of a Commission of Inquiry. Its investigations showed that the law in British Guiana was administered in a spirit of substantial injustice to Indians. A five year's indenture virtually drove the Indian labourer into a prolongation of servitude, for the vagrancy laws, partly from their intrinsic unfairness, and partly from their complexity and ambiguity, were a potent weapon in the hands of the employer to compel the labourer to renew his contract. On the other hand they afforded him no means of summary redress even for so vital a wrong as wages unjustly withheld.

With regard to the administration of the law, the Commissioners came to the conclusion that it was equally unsatisfactory and that the immigrants had no confidence whatever in the magistracy. The inquiry disclosed that with an average immigrant population of between 30,000 and 40,000, 6,500 cases had been brought against labourers, while those instituted against the employers could be computed in tens. The mass of these cases were withdrawn or, in other words, the law was used as a means of putting pressure upon immigrants, and charges were held over their heads, with the sole object of terrorising them into re-engagement. The vagrancy law was also worked in order to prevent complaints to the immigration authorities, and the penalties were often both disproportionate and excessive. The

Commissioners also found that the rates of wages offered by recruiters in India and, in particular, those entered in the register of immigrants as stipulated or contracted grossly exaggerated the real amount obtainable. The result of the inquiry was an overhauling of the law relating to immigrants in 1873. The original term of indenture was retained at 5 years, but was made subject to extensions equivalent to the duration of the immigrant's absence from his estate on account of imprisonment, desertion, and ordinary absence from work, in 1876. The same ordinance provided for the appointment of the Emigration Agent-General to the Court of Policy, a step which had been recommended by the Commission of 1871 in the interest of the immigrants. Another ordinance passed in 1886 provided for the appointment of District Medical Officers. The law was re-arranged in 1891 as a result of certain recommendations by Dr. Comins who had visited the Island at the request of the Government of India. It is unnecessary to analyse these laws or to pursue their history any further. The only two important changes deserving of notice are an amendment made in 1894, which reduced the term of indenture for female immigrants from 5 to 3 years, and another provision made in 1893 which binds immigrants to pay a portion of their return passage. The law, in so far as it affects the indentured immigrant, may be summarised as follows:—

He is bound to reside on the plantation and if he absents himself without leave for more than one night in any one week is liable, on the first conviction, to a fine of five shillings and, on a second, or any subsequent conviction, to a maximum fine of 10 dollars. An immigrant suspected of being absent

without leave can be placed in custody without warrant by the Immigration Agent, who has similar powers to deal with refusals to return to a plantation or Immigration depot. Absence from the plantation for 7 days without leave amounts to desertion and involves the punishment of fine. Absence from work or refusal to begin or finish work is also an offence punishable with a fine. Assault on an indentured immigrant by an employer, and the unlawful withholding of wages are punishable, the former with fine or imprisonment or both and the latter with fine only. Provision is also made in the law for the accommodation of a labourer in sanitary houses, and for medical care in the event of sickness. Repatriation is not free but assisted, and depends on the sex of the immigrant and the time spent in the Colony. The right may be commuted for an allotment of land. Disabled immigrants are entitled to be repatriated free. As indentures were abolished in 1920, it is to be hoped that the laws will also lapse into desuetude.

The present Indian population of the Colony is 124,000 of whom 68 per cent were born in the Colony. The majority of these, in fact 78,000 are agriculturists. Sugar is the chief industry of the Island, although the Indian community has introduced a new crop namely, rice, of which, according to the latest census, no less than 74,000 acres were grown in one year. Large holdings are held by Indians, but farms of 50 to 100 acres are a common size, at least in one part of the Colony. Indentures were abolished in 1920, and the whole of the population is therefore free. There was a considerable rise in the wages of the working population during the war but the

subsequent depression in trade in general and the fall in the price of sugar in particular, has adversely affected the position of the Indian labourer. Distress especially among the casual labourers who are not employed on any estate, is acute and the evils of unemployment are aggravated by the use of Ganja—a cheap drug, which is only in too common use among the dejected and desperate. It would be an act of charity not devoid of political expediency to repatriate the demoralised human wreckage if necessary entirely at state expense. Cost of passages has risen nearly three-fold since the war and such men cannot scrape together enough to defray the proportion of the cost which is required of them under the Law.

Indians enjoy the same political rights as other classes of His Majesty's subjects, but they do not seem to have taken advantage of the law to get registered as voters. Thus, although out of 38,000 adult males of the black and coloured population 3,400 have had their names entered on the registers, out of 41,000 adult male Indians, only 500 have taken the trouble to do so. The explanation of this is partly illiteracy, which is a feature of the majority of the community, and partly apathy to politics. Theoretically, there is no discrimination against the Indians in respect of Government employment, although in practice not very many are so employed. This is also due in large measure to the comparative ignorance of the community.

Both British Guiana and Fiji have need of population. By climate, configuration and general conditions both are suited to Indian colonisation. The Government of India have already indicated the

conditions on which the flow of population from India to these regions is likely to be allowed. It is inconceivable that such a movement will now be permitted unless the political and economic future of Indians in the lands to which they are expected to migrate is carefully and satisfactorily safeguarded. But one may be permitted to seek an explanation of the depressed state of Indian communities in some parts of the Empire elsewhere than in official apathy or racial prejudice. It will be idle to deny that the character of the Indian population is also in some measure responsible for its status. The types representative of India's higher civilisation, culture or physique seldom migrate to the colonies, and form an infinitesimal portion of the Indian communities overseas. To their absence, and the consequent lack of leadership among the domiciled populations must be attributed their backward and unsatisfactory condition. Indentured labour has been abolished. But if India is to profit by the lessons of experience, she must take good care that those who now leave her shores to seek a home in distant lands are drawn from every class of society, balanced in culture, wealth and physical type, epitomising not merely the variety of her social organisation but also its vitality and vigour, worthy to revive on alien soil the finer traditions of her ancient past, and, mingling them with the energy of the new world, to lay the foundation of a proud and prosperous future.

CHAPTER VII

CANADA, AUSTRALIA, NEW ZEALAND AND SOUTH AFRICA

CANADA

Until the year 1905 emigration from India to this Dominion was practically unknown. Its progress from 1905 to 1908 is indicated by the following figures which are taken from the Report of a Royal Commission appointed by the Dominion Government in 1908 to enquire into the methods by which oriental labourers had been induced to enter Canada.

1904-05	...	45
1905-06	...	387
1906-07	...	2,124
1907-08	...	2,623

Total	...	5,179
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The causes of emigration were summarised as follows in another report which Mr. W. L. Mackenzie King, now Prime Minister of Canada, submitted to his Government later the same year :—

- (1) The distribution throughout certain of the rural districts of India, of glowing accounts of the opportunities of fortune-making in the province of British Columbia, visions of fields of fortune so brightly hued that many an India peasant farmer, to raise the money for the journey, had mortgaged to the lender of the village his homestead and

all that it contained at a rate of interest varying from fifteen to twenty per cent.

- (2) The activity of certain steamship agents who were desirous of selling transportation in the interest of the companies with which they were connected, and of themselves profiting by the commissions reaped.
- (3) The activity of certain individuals in the province of British Columbia, among the number one or two Brahmins, who were desirous of exploiting their fellow-subjects; and certain industrial concerns which, with the object of obtaining a class of unskilled labour at a price below the current rate, assisted in inducing a number of the natives to leave under actual or virtual agreements to work for hire.

This explanation, however, has to be supplemented by the evidence of one of the witnesses examined by the 1908 Commission who was for 14 years in Hongkong, and who stated that the movement had started in the first instance among Indians who were employed very largely in the police force of the Island. These undoubtedly were the pioneers, and the subsequent flow was probably promoted by them. The almost exclusively Sikh character of the Indian population of Canada lends colour to this view. The emigration seems to have reached its height in 1908, and after that there was a decline which was due mainly to the strengthening of restrictive regulations as a result of the enquiry made by Mr. Mackenzie King. The restrictions took the form of insisting:—

- (1) that a person coming to Canada with intent to settle there permanently should have

travelled from the land of his domicile by a through boat, and

- (2) that he should, on landing, be in possession of a fixed sum of money of which the amount was originally fixed at 25 dollars, and has now been raised to 250 dollars.

The climax was reached in 1914 when a ship, called the "Komagata Maru," which had been chartered to convey some thousands of Sikhs was stopped by the emigration authorities at Vancouver who prevented it from landing any of its passengers and forced it to turn back. Emigration on a large scale may be said to have ceased completely from that date, and the stringency with which the emigration laws were administered was probably also responsible for the migration of a very large number of Indian emigrants to the United States. At any rate by 1919 the numbers had dwindled to 1200, owing to a heavy exodus to the United States, returns to India, and the general unsuitability of the climatic and social conditions of Canada to men coming from the East.

The principal reason of restricting emigration from India as well as from other oriental countries is given in the following quotations from a minute recorded by the Right Honourable Sir Wilfred Laurier, in March 1908 :—

"Were such emigration allowed to reach any considerable dimensions, it would result in a serious disturbance to industrial and economic conditions in portions of the Dominion, and specially in the province of British Columbia."

The feeling of alarm caused by the influx of Asiatics—the number during the ten months ending October 1907 had reached 11,440—led to anti-Asiatic riots in Vancouver in September 1908. Restriction at first was contemplated only to apply to Indians who might compete with the working classes or the small farmer, and, legally, compliance with the Canadian Regulations regarding continuous passage and the possession of 250 dollars may be sufficient to ensure entry into Canada to any Indian even if it be his intention to settle there permanently. But the experience of South Africa, and the prevalence of anti-Asiatic feeling in British Columbia, where the oriental element is numerous, were adequate warnings to the Government of India against the encouragement of emigration to Canada from India. Their first duty was to the Indians who had already taken up residence in the Dominions, and the satisfactory settlement of outstanding differences between them and the Dominion authorities in regard to the Indian communities domiciled within their borders was conditional on the conclusion of a general understanding which would allay the fears of the white populations of an overwhelming influx of Indians. Hence the general character of the reciprocity arrangement which was concluded in London in 1918. Indians can now enter Canada only for temporary residence, whether as merchants, students or tourists. The present position in the Dominion has been summarised by Mr. V. S. Srinivasa Sastri in the Report of his Deputation to the Dominions. He found that there are not more than 1100 Indians in Canada at the present day of whom nearly a thousand are to

be found in British Columbia. The majority of them are engaged in the lumber trade or in farming. Their economic condition is satisfactory, but they labour under civic and political disabilities in British Columbia in as much as the law forbids their voting at Municipal or Parliamentary elections. The political disability extends even to elections for the Federal Parliament as the Dominion Law reproduces the disqualification imposed by the provincial electoral law. As a result of representations made by Mr. Sastri to the Dominion Government, the latter have promised that "at the earliest favourable moment they will invite the consideration of Parliament to the request that the natives of India resident in Canada be granted Dominion franchise under conditions identical with those which govern the exercise of that right by the Canadian citizens generally." In the words of the Report "there was every readiness on the part of the local Government of British Columbia to admit the reasonableness of the request that Indians should be admitted to full equality of citizenship, but a reluctance to make any definite pledge in view of the prevalent opinion in the province." To continue the quotation, "the economic rivalry between the white and the non-white races in British Columbia is more acute than in any other part of the Dominion. Indians do not share in this struggle to any appreciable extent as their numbers are comparatively insignificant. But the oriental element in the population of the province, composed of men from countries of the far East is considerable : and to those engaged in the task of earning their daily bread racial distinctions are too intangible, to provide a substantial basis for

differentiation.

In such an atmosphere it is difficult to expect an immediate and auspicious initiative on the part of the provincial authorities." Mr. Sastri's visit seems to have done much to soften prejudice and to introduce a broader outlook among the more intelligent section of the people, but the task of political education without which it is useless to expect any alteration of the present laws adversely affecting Indians will have to be pursued with persistence and assiduity.

AUSTRALIA

The first and last direct emigration to Australia under contract to labour took place between November 1837 and July 1838. In February 1878 permission was sought to take a few hundred emigrants to South Australia to work on the Railway, and similarly in February of the following year Messrs. Burn & Co. of Calcutta, who were in hopes of getting a contract for the construction of a Railway in Western Australia made enquiries as to the conditions on which they could introduce Indian labour into the latter Colony. Earlier in 1861 a proposal had been made to introduce Indian labour into Queensland and a notification legalising emigration to that Colony was actually published under the Act of 1864. In 1881 the Queensland Government and the Government of South Australia sent representatives to the Government of India with the idea of obtaining labour for the sugar plantations in the sub-tropical regions of their territories. But all these preliminaries led to nothing. In Queensland political difficulties defeated the efforts of the planters to get Indian labour, and

the Government of South Australia, after signifying their concurrence in the safeguards suggested by the Indian Government, do not appear to have reopened the matter. Such Indians as entered the Colony went there as free men and the impetus to the first movement was provided by the Gold rush. The difficulty of communication over large distances through arid tracts gave the Indians an opening. They organized camel transport in Western Australia which, in the days before railways were constructed, supplied a real want. Most of the emigrants were from the North West Frontier Province, Baluchistan or the Punjab. In fact it is doubtful whether at first the emigrants were not almost exclusively Afghans. Up to the present day Indians in Western Australia are called by that name. No reliable or systematic data are available to show the progress of the Indian emigration to Australia. The flow never seems to have been large and would further appear to have been confined to the tracts from which the first emigrants were drawn. Restrictive measures against oriental emigration were taken in 1901 when an Act was passed which made the entry of persons desiring to settle in Australia conditional on their passing a dictation test in language any which the Minister of Emigration might prescribe. This step was taken as a result of an influx of immigrants from the Far East, and in response to a strong popular feeling in Australia against the entry of orientals who, it was feared, would dislocate the economic life and lower the economic standards of the white population. Indians were inevitably affected by these restrictive provisions, and as economic prejudice manifested itself in new forms of legislation which

were designed to narrow the sphere of employment of the Oriental, they also felt the burden of these accumulating disabilities.

According to Mr. Sastri's Report, the economic disabilities of Indians are confined to two parts of the the Commonwealth namely Western Australia and Queensland. In the former State they have in practice been denied mining concessions, although there is no legal prohibition against their getting such concessions. In Queensland where labour agitation is strong and has influenced legislation for a considerable period of time, the principal restrictions which practically affect the Indian community relate to their employment in the dairy industry or on sugar plantations. With regard to both, the law requires a labourer to satisfy a dictation test which, in view of the illiteracy of the majority of Indians, amounts to their exclusion from these two industries. A similar restriction relating to the employment of Indians in the banana industry has been removed as a result of the representations made by Mr. Sastri. Indians throughout the Commonwealth are not eligible for old age pensions, but the Commonwealth Government has promised to remove this disability by legislation at an early date. Politically Indians enjoy the franchise in all the States of Australia except West Australia and Queensland. In the former they can vote for the Upper House if they possess the necessary property qualification, but they do not possess the franchise for the Lower House. In 1901 the Federal Authorities passed an electoral law which excludes aboriginal natives of Asia from electoral privileges if they do not possess the franchise in the States. As a result of this legislation Indians resident in Queensland and West

Australia cannot vote for either House at elections to the Commonwealth Parliament. Mr. Sastri secured an assurance from the Ex-Prime Minister Mr. Hughes that redress of this grievance will also receive sympathetic consideration. It must be recognised that the problem of franchise for the Indian is complicated by the presence in Australia of natives of China and Japan who are also naturalised British subjects, but who are denied the vote. A further complication is presented by the misapprehension existing in certain quarters, especially among the labour party, that the concession of such a right to the Indian would bring about a revival of emigration from India. This feeling of alarm, however, is wholly unjustified in the face of the loyalty with which the Government of India have observed the Reciprocity Resolution of 1918. It is to be hoped that as a result of Mr. Sastri's visit a broader vision will be brought to bear on the Indian problem, which, although insignificant in the light of the Indian population already settled in Australia, has a far-reaching Imperial significance and of which a satisfactory settlement is essential to the continuance of good relations between the component parts of the Empire and to its solidarity.

Mr. Sastri's Report shows that the two thousand Indians who have adopted Australia as their home are, on the whole, prosperous, that even intermarriage between the Indian and the European has been successful, that social prejudice does not operate to any appreciable extent to the detriment of the Indian and that, apart from the political disability which is imposed on him by the electoral laws of Queensland and Western Australia, he has no serious grievance.

NEW ZEALAND

There does not appear to have been any large influx of Indians into New Zealand. The most recent testimony places their numbers at between 500 and 600. The New Zealand Immigration Act of 1908 which has been made more stringent by an amending measure passed in 1920, really owes its origin to the ingress in large numbers of Chinese into the country. The only time when there was any prospect of an Indian invasion was after 1913, and its source was a reflow of ex-indentured labourers from Fiji or of recruits who, hearing of the higher rate of wages to be obtained in New Zealand, left Fiji to seek their fortune in the Dominion. Their prosperity is not comparable to that of their compatriots in Australia because most of them have not had the time to settle down to farming or other profitable pursuits. The majority are casual labourers but earn enough to live comfortably and secure a margin for saving. They enjoy complete equality of citizenship with the European inhabitants and their only disability is in respect of the old Age Pensions Act, which, like the Australian law, denies to them the benefit of its provisions. The Reciprocity Resolution of 1917 applies to New Zealand the same as to the other self-governing Dominions, but in the actual application of their immigration law the Government of New Zealand seem to have adhered impartially to the ideal that the only criterion of entry shall be fitness. As lately as 1920 an educated Indian gentleman belonging to the medical profession was allowed to enter the Colony with his family with the avowed object of permanently settling there. He is now in Auckland where he has attained to a

position of prosperity, and enjoys the confidence of the European public.

SOUTH AFRICA

The Indian population in South Africa, and the Indian problem which is now so acute in the Union, owe their origin to the introduction of indentured labour into Natal which began in 1860 and continued, with one interval of eight years, *viz.*, from 1866 to 1874 during which it was totally suspended, until 1911. The Government of India at first favoured the movement because of the relief which it was felt it might afford to congested areas in India, but it derived its sustenance almost entirely from the demand for labour on the sugar plantations in Natal. In the wake of the labourer came the trader who, under the misnomer 'Arab' has become the object of economic antipathy to the white competitor, and the 'bête noir' of the anti-Indian agitation. The indentured population which was drawn largely from the agricultural labouring classes came in two streams, one of which had its source in Bengal and the other in Southern India. The trader came from Surat. The indentured labourer was confined exclusively to Natal during the term of his contract. Afterwards he either settled down in the Colony as farmer, market-gardener or trader, or migrated in quest of occupation to the neighbouring territories. The trader who was attracted at first to the country by the prospect of supplying the needs of his own countrymen in course of time spread wherever he could find customers, and established himself within the borders of both Cape Colony and the Transvaal.

Opposition to the Indian who decided to settle down in the country after completing his term of indenture manifested itself quite early in the history of the immigration to Natal. In 1887 the Wragge Commission which had been appointed by the Natal Government to enquire into the system of immigration reported that "there was in the Colony an undoubted preponderance of opinion that the Indian should remain under indenture during the whole period of his residence within the Colony. The majority of white colonists," continued the Report, "are strongly opposed to the presence of the Indian as a rival competitor, either in agricultural or commercial pursuits." This has been the keynote of the agitation ever since, although it has gained in intensity and power.

The anti-Indian feeling grew as the numbers of Indians in the Colony increased. The hope that the free population would supply all the labour needed for Natal failed of realisation because of the development of the staple industries which required more labour, and the preference of the Indian, once he had completed his indenture, which was for five years in the first instance but was, in the majority of cases, extended to ten, to settle on the land or seek some other vocation. Various expedients were adopted to discourage Indians from taking up their residence permanently in the Colony or obtaining ingress into the country. In 1895 a law was passed which made an Indian resident liable to pay an annual tax of £ 3. The following year the Indian community was deprived of the political franchise. Feeling ran so high that in 1896-97 the people of Durban rose, and by force prevented the landing of Indian

labourers from two steamers, the "Naderi" and the Courland. The same year Bills were introduced which sought to restrict fresh immigration and to curtail the Indians' opportunities of making a living by controlling the issue of trading licenses. But neither the Licensing nor Immigration Law succeeded in satisfying the expectations of the white settlers, and in 1903 a deputation visited India to propose to Government the compulsory repatriation of labourers on the expiry of the term of indenture or reindenture. The Government of India were prepared to accept the proposal if suitable guarantees could be given that the free Indian population, which was already lawfully domiciled in the Colony, would receive fair and just treatment. But no such assurance was forthcoming and the deputation returned empty-handed. The same year the Act of 1895 was amended so as to extend the liability for the £3 tax to the major children of resident Indians who had migrated under indenture. An Act was passed in 1905 to prohibit the employment of Indians who had not paid the tax, and Indians were deprived of the right to obtain hawkers' licenses to trade in the province of Zululand.

One may wonder why this policy of pin-pricks was followed by the Colonial Legislature in preference to complete prohibition of immigration from India. It would have set popular alarm at rest; it might have, after some time, permitted of a more generous treatment of the Indian community which had been introduced with the acquiescence of the Natal Government if not by direct encouragement, which was law-abiding and peaceful, and which had contributed materially to the prosperity of the Colony.

The explanation is supplied by the conflict between sectional interests and popular feeling which prevented the adoption of a strong or consistent policy. Popular sentiment demanded the exclusion of the Indian. The planting community were dependent for their prosperity on the continuance of the supply of Indian labour. Government was divided between the two attitudes. In 1908 a Bill was introduced to discontinue indentured immigration from India. It received official benediction on the ground that "the measure was intended to terminate a state of affairs that had been the cause of growing anxiety in South Africa." Nevertheless it was withdrawn and the question referred to a Commission which reported that "Indian labour was essential to the maintenance of certain industries." It added, however, that "he, *i.e.* the Indian, was not desirable in the Colony other than as a labourer," and to that end recommended that indentures should in future terminate in India or upon the high seas, and that men with their families be returned without the option of remaining in the Colony." An unsuccessful attempt was also made in this year to deprive the Indian of the municipal franchise.

The persistence of the colonial authorities in a policy which, while seeking Indian labour denied to it protection or reasonable prospects of social and economic advancement, compelled the Government of India to abolish indentured labour to Natal on their own account. Their expectations as to the beneficial character of the movement to the Indian had not been realised. They had displayed a ready willingness to meet the popular prejudice against the permanent settlement of Indian immigrants in Natal

by agreeing to confine residence of future immigrants to the term of the indenture, if proper guarantees could be given that the interests of those who had already lawfully settled in the Colony would be adequately safe-guarded. They had carried patience almost to the point of exasperating opinion in India. They had displayed rare forbearance in the interests of Imperial solidarity and in the hope that opinion in the Colony would ultimately recognise the justice of the claims of the domiciled Indian community. But patience and forbearance had failed. In 1909 power was therefore taken by amending the Emigration Act to forbid emigration to any place where conditions were not favourable to the emigrant. In 1910 the power was exercised to forbid emigration to Natal. The decision was not reached without a struggle on the part of the planter interests in Natal. The prospect of an immediate stoppage of the supply of labour evoked an offer from the Natal Government to amend the Dealers' Licences Act so as to allow an appeal to the Supreme Court against withdrawals of existing licences. This was accepted by the Secretary of State for India. It succeeded in securing a continuance of emigration for one year more. But it failed to ensure the continuity of supply for any length of time, for emigration to Natal was totally stopped in 1911.

The Transvaal. Agitation against the Indians was started in the South African Republic during 1884 because of a threatened invasion of Asiatics. Memorials were presented to the Volksraad asking for restrictive measures to stop this influx. As the number of Indian traders migrating into the Transvaal kept increasing, the anti-Asiatic feeling amongst the

European inhabitants became more and more accentuated. At that time it was not due to trade jealousy but "more probably had its origin in the inherent antipathy of the Dutch people, of which the population of the country was mainly composed, to anything approaching equality between the white and coloured races." The attitude was merely a reflection of the spirit that had prompted the various Grondwets which expressly laid down that equality between the white and the non-white shall never be tolerated in the Transvaal.

This feeling found further expression in Law No. III of 1885, which declared that no one belonging to any of the native races of Asia should own landed property in the Republic. As this provision militated against the Convention which had been signed between the Republic and the British Empire in London in 1884, the law was promulgated in an amended form, which permitted Asiatics to own fixed property in the territory of the Republic "in such streets, wards and locations as the Government for purposes of sanitation shall assign to them to live in." In 1898 Law No. 15 commonly known as the Gold Law was passed, of which section 133 prohibited coloured persons from holding licences, such as diggers' and claims' licences, or from being in any way connected with the working of "diggings", the technical term employed in the Transvaal to denote areas set apart for mining operations.

The subsequent history of anti-Indian legislation in the Transvaal is one of a progressive strengthening of the restrictions imposed by these two laws. Law III of 1885 as amended by the Volksraad Resolution was accepted by the British Government as a sanitary

measure only, and it was understood that it would not apply to persons of a superior mode of life whose relegation to locations could not possibly be justified on sanitary grounds. The Republican Government, on the other hand claimed that it applied to all Asiatics without reference to their mode of living, and that it included business premises as well as residences. The latter part of their views was supported by the High Court of the Republic which held by a majority of two to one that the words 'ter bewoning' in Law No. 3 of 1885 covered a merchant's place of business as well as a place of residence. The dispute was only finally settled after the South African War by the Transvaal Supreme Court in 1904 which decided that the law did not apply to "the business places but only to the residences of Asiatics." In 1909 the same Court interpreted the Gold Law of 1898 to mean that while coloured persons could not be the holders of stands on proclaimed "diggings", it did not prevent them from acquiring and exercising leasehold rights to such stands, or from holding general dealers' licences to trade on diggings. And in the beginning, even the Republican authorities did not apply either of the two laws with undue severity. Indians continued both to live and trade outside the reserved locations, and they were helped to own property through nominal white trustees. In fact the Republican Government itself appointed trustees for the purpose and this practice was continued under the Crown Colony Government until the passing of the Transvaal Companies Act in 1909 enabled Indians to form themselves into limited liability companies for the purpose of acquiring and holding fixed property.

During the Crown Colony Administration, the privilege of occupying land on proclaimed diggings or townships for purposes of trade was curtailed by Laws Nos. 34 and 35 of 1908. The former permitted the conversion of leaseholds on proclaimed land in a Government township into freeholds on conditions to be laid down by the Governor of the Colony and one of the standard conditions was that the "lot or any portion of it shall not be transferred, leased or in any other manner assigned or disposed of to any coloured persons; and no coloured person other than the domestic servant of the registered owner or his tenant shall be permitted to reside thereon or in any other manner occupy the same." Sections 130 and 131 of Law No. 35 which amended the Gold Law 15 of 1898 imposed the following restrictions on coloured persons :

Section 130 :

- (1) No right under the Act may be acquired by a coloured person except as provided in section 24 for native locations.
- (2) The holder of a right shall not transfer or sublet any portion of such right to a coloured person, nor permit any coloured person (other than his bonafide servant) to reside on or occupy ground held under such right.

Section 131 :

In the mining districts of the Witwatersrand no coloured person shall be permitted to reside on proclaimed land except in bazaars, locations and mining compounds. But—

- (1) the mining Commissioner is empowered to relax this restriction ;

- (2) the section does not apply
 - (a) to coloured persons in the employ of a white person in so far as they live on the premises where they are employed; or
 - (b) to coloured persons who at the commencement of the Act were lawfully in occupation of premises.

Both these provisions were assented to by His Majesty's Secretary of State for the Colonies on the understanding that "they would not deprive those coloured persons who had not actually acquired vested rights on gold fields of power to acquire rights which were open to them before" *i. e.*, under the Gold Law of 1898. In actual practice the Receivers of Revenue continued to issue to Indians licences to trade on proclaimed land without discrimination, and special powers were reserved to the Mining Commissioner to enable him to permit respectable Indians to reside outside locations.

It would be convenient at this stage to give a brief account of the passive resistance movement which came to a head in 1913. Ever since 1907 when the Transvaal legislature enacted laws which imposed stringent restrictions on the entry of Asiatics into that part of the Union, and provided for the compulsory registration of all Asiatics and their identification by means of finger prints, agitation had been afoot among the Indian community to bring about the repeal of these laws. It took the form of disobedience of those laws and resulted in the imprisonment of many Indians. The number of sentences passed has been estimated by one writer at 2500. The laws themselves had excited bitter resentment among Indians, and the

imprisonment of their leaders, accompanied as it was in some cases by harsh treatment during captivity, exacerbated feeling. A sort of truce was established in 1911 on what the Indians regarded to be an understanding to the effect that their existing rights would be maintained. When in 1913, therefore, a fresh immigration Act was passed which placed restrictions on the interprovincial movements of the domiciled Indian community, the movement revived in a more general form. Mr. Gandhi who had been the inspiration and strength of the former agitation marched with about 2200 Indians, men, women and children from the Natal Coal districts into the Transvaal with the deliberate object of contravening the Act. There were also disturbances among Indians employed in the mines which, at least in two instances, were quelled by the use of firearms and resulted in the death of nine Indians. The Indian community alleged that the suppression of the strike had been accompanied by measures of a peculiarly harsh character which went beyond the necessity of the occasion and the provisions of the law. But the Commission which was appointed by the Union Government to investigate the whole question did not support these complaints, probably owing to the persistent refusal of the Indian community to adduce any evidence in support of their allegations, or, to assist the deliberations of the Commissioners in any way. The real causes of the movement, however, were manifold. They may be summarised as follows :—

- (1) The Orange Free State question
- (2) The Cape Colony question
- (3) The marriage question
- (4) The £3 tax

(1) and (2), it was definitely asserted by the Indians, arose out of a breach of the understanding arrived at between Mr. Gandhi and General Smuts in 1911 to the effect that the existing privileges of Indians would in no way be curtailed. The former related to the entry of educated Indians into the Orange Free State, and was of a purely sentimental character. The laws of that Colony required an undertaking from an Indian that during his residence within its borders he would pursue no trade or occupation. The Immigration Act proposed that this undertaking should be reinforced by an oath. Mr. Gandhi objected to such a stipulation on the ground that it imposed an unnecessary humiliation. The latter, namely, the Cape question, related to the entry of Indians into the province from other provinces of the Union. The Act of 1913 required that such entry should be confined to persons who could pass a dictation test. The Indian community contended that such a provision marked a departure from the provisions of a law which the Cape Parliament had passed in 1906, and which left all Indians born in Natal free to enter the Cape.

The marriage question and the £3 tax were more important issues. In Natal, in a decision, known as the Searle Judgment, it had been ruled in 1906 that the law of the Colony "recognised the voluntary union of one man with one woman, to the exclusion, while it lasts of all others as the only lawful form of marriage." Consequently marriages celebrated according to Indian rites, even where they were in fact monogamous, became illegal. This was a real hardship, not merely because of the social odium which it involved, and the practical difficulties to which it led in matters of

inheritance, but also since it operated to restrict the entry into the Colony of women who, although lawfully married to their husbands according to the customs of their own country, could not join them if the husband had another wife living with him in Natal. The Mohammedans, according to the Solomon Commission which investigated this matter, further objected to the law and to any relaxation of it so as to recognise *de facto* monogamous marriages, as an affront to their religious feelings. This sentiment they shared in common with the Malay community who in the province of the Cape, had persistently refused to appear before officers appointed to have such marriages registered, because they felt that it involved a surrender of their religious right to marry as many as four wives. The £3 tax, although it has been described by purists as charge for a licence, was in reality an impost, because it operated automatically, once an Indian decided to stay on in Natal, after the term of his indenture had expired. In practice, this tax affected those who were least able to pay it, while releasing those to whom payment would have been no burden. For it did not apply to the trading community and merely affected the ex-indentured labourer and his descendants. As a revenue raising device it was a failure; as a measure calculated to compel the Indian to return to his home after the termination of his contract, it was equally unsuccessful. From the national point of view it was odious; from the administrative point of view it was useless. Resentment against it was natural, and if for nothing else the struggle of 1913 would be memorable because it succeeded in the removal of this harsh, and iniquitous impost. As a result of negotiations between

Mr. Gandhi and General Smuts, who was then Minister for the Interior, and the recommendations of the Solomon Commission an Indian Relief Bill was passed which, besides abolishing the poll-tax, rectified matters in regard to the application of marriage laws and entry into or movement within the Union of members of the domiciled community, or their wives and minor children. The crux of the settlement, however, was the assurance given by the Secretary for the Interior to Mr. Gandhi that it would always be the desire of the Government to see "that existing laws were administered in a just manner with due regard to vested interests." It is also noteworthy that in his reply Mr. Gandhi made it clear that the Indian community could not treat the settlement as final and that opportunity would be sought at a favourable moment to press for the removal of such hardships as denial of the franchise in some parts of the Union, and the existence of disabilities regarding occupancy and ownership of fixed property.

The subsequent history of the Indian position in South Africa is one of the gradual whittling down of the terms of the Smuts-Gandhi agreement to the disadvantage of the Indian. Two forces have been at work to foster the spirit which has led to this result. One is the fear of an Asiatic invasion, a fear which was sedulously nourished by exaggerated accounts of an Indian influx even after the passing of the Immigration Restrictions Act of 1913. The other is the competition of the Indian trader, especially with the small European retail shopkeeper by whom that competition is regarded a serious menace. How prejudice and economic rivalry have stilled the voice of reason may be gathered from the following

quotation from the evidence of Mr. Phillips, President of the South Africans' League before the Asiatic Inquiry Commission :—

“ I take it that I am here to-day to represent not only the desire, but the determination on the part of the white people that this country should remain a country for white people. That is the whole of my intention in appearing here, to-day. I am not here to represent traders. I do not care the snap of my fingers for traders in this matter. I am here as representing the question of trade to you merely as a channel through which the Indian's influence grows and expands.”

The lack of perspective of those who hold such views may be inferred from the fact that the influx of illicit emigrants is estimated by them in “ ship loads,” although the officers of the emigration department deny this categorically, and the figures of Indian population, both in the Transvaal and the province of the Cape, show a perceptible diminution. Similar testimony is given by the unreasoning alarm that “ a few thousand Indian shopkeepers from Surat ” will capture the whole “ trade of South Africa ”. In spite of the legislation of 1913, however, and the Reciprocity Resolution passed by the Imperial Conference in 1918, which is tantamount to a guarantee that no more Indians will be allowed to enter the territories of the Union with a view to permanent settlement, the agitation against the resident Indian community has shown no sign of abatement, except in the Province of the Cape, which has throughout maintained an attitude of generosity towards the domiciled Indian community. There Indians enjoy both the political and the municipal franchise, and may be found residing in the same

quarters as Europeans, and trading in the same locality. The attempt to deprive the Indian of the municipal franchise which he still enjoys in Natal has been repeated several times since, though hitherto, without success. The present position seems to be that the eligibility of the domiciled Indian for the municipal vote is to be challenged before the Courts. But restriction is still in the air. Two Ordinances were passed by the Natal Legislature in June 1923 which curtail the existing rights of resident Indians. One of these called the Borough and Township Ordinance empowers the Council of any Borough, or the Local Board of any Township, when selling or leasing any immoveable property belonging to the Borough or Township, to make the sale or re-sale on conditions restricting ownership or occupation thereof or both to or by persons of European descent, Asiatics or Natives. This has the practical effect of introducing a scheme of segregation which has long been the aim of the European community in the Colony. Speaking so recently as the 25th July 1923, General Smuts is reported to have said "We want to pass legislation through the Union Parliament by which it will be optional for Municipalities in future to set aside an area, say for Indians both, for residence and trade.....If after the passing of such a law our people in South Africa prefer to go and buy in an Indian Bazaar it will not be the fault of Government." The policy of both residential and commercial segregation has thus received explicit official approval and its scope is to be wider than that of the Ordinance. The other ordinance called the Rural Dealers' Licensing Law Amendment Ordinance constitutes a Rural Licensing Board in each county of Natal for

hearing and determining the applications for licences. This measure restricts the right of appeal against refusal of licences only to cases in which the licence has been refused on the ground of the applicant's unsuitability, and the new appeal Board that it sets up is not a judicial body, but a body consisting of three persons of whom only one must have held office as a Judge or Magistrate, or be an Advocate of the Supreme Court.

The Commission which was appointed by the Union Government in 1920 to inquire into certain disabilities of Asiatics reported against the compulsory segregation of Asiatics, though it recommended a system of voluntary repatriation. The new ordinance gives to the municipalities which have never been sympathetic to Indians and on which the Indians are not represented, the power of segregation. It is hardly to be wondered at, therefore, that Indian opinion views the measure or General Smut's latest pronouncement with serious alarm. For Indians would seem to have no option left as to where they should reside or pursue their vocation. The ordinance relating to licences carries out the recommendation of the Commission, but that recommendation was never favourably received by the domiciled Indian community in South Africa, and in view of the evidence which the Commission itself recorded, *viz.*, that it had been the policy of municipalities to refuse licences to Indians merely on the grounds of race, it is inevitable that the new law should be received by the Indian community with grave dissatisfaction. In the Transvaal the rights of the Indians to acquire and own fixed property, to trade and reside outside locations and to occupy tenements on proclaimed

'diggings' and townships for purposes of trade have been curtailed by Act 37 of 1919. The main provisions of this Act are as follows :—

Section 2 enacted that, as from the 1st May 1919, Law No. 3 of 1885 should be construed as prohibiting

- (1) the registration of a mortgage over fixed property in favour of an Asiatic otherwise than as security for a bonafide loan or investment; and
- (2) the ownership of fixed property by a company in which one or more Asiatics have a controlling interest.

Those provisions of sections 130 and 131 of Act No. 35 of 1908, which relate to the residence on or occupation of ground held under a stand licence on proclaimed land by coloured persons, and any similar provisions contained in a deed of grant or a freehold title in a Government township issued under Act No. 34 of 1908, shall apply strictly to all Asiatics except

- (a) to any British Indian who on the 1st May 1919 was, under the authority of a trading licence lawfully issued, carrying on business on proclaimed ground or on any stand or lot in such township, or to his lawful successor in title; or
- (b) to any person bonafide in his employment, so long as he carries on business in the same township.

No reference has been made in the foregoing narrative to the Orange River Colony. The Colony took early measures to exclude the Asiatic, and to-day the number of Indians within its doors is about a hundred. The Indian problem, therefore, does not

exist in Orangia. There are nearly 6,000 Indians in the Cape Province and about 10,000 in the Transvaal. They are largely hawkers or petty traders, although some of them carry on wholesale business in the larger towns. It is in Natal that the Indian population is the largest. It numbers 133,000 and is almost exclusively composed of persons who came under indenture or their descendants. Their chief occupation is gardening or farming on a small scale. The Commission of 1920 recommended that in future in Natal Indians should not be allowed to acquire land except in a belt near the coast. This recommendation was made because of the fear expressed by the spokesmen of the Natal Agricultural Union that "the Indians who are already beginning to invade the highlands may one day swamp the European element there." Here again the testimony of facts is against them. Indians don't appear to be suited to carry on large scale farming operations, and such land as was acquired in the highlands was purchased for speculative purposes. It is, to be hoped, therefore, that the threat of agricultural segregation which had the support of the majority of Sir John Lange's colleagues will not be carried out.

The South African problem is the most acute of any relating to the status of Indians overseas. Of the feeling against the Asiatic in the Union ample proof is afforded by the numerous restrictive measures and proposals which have been set forth in this Chapter. The Indian is the victim of economic jealousy and racial prejudice, is accused of dishonesty, of untrustworthiness, of unassimilability, of lack of interest in public affairs, of parsimony, of parasitism, of inefficiency. The contradictory character of the

charges which are levelled against him is best set forth in the following extract from the statement made by Sir Benjamin Robertson before the Asiatic Inquiry Commission :—

“It is alleged, for instance, that Asiatics are dishonest as traders and are specialists in offences against the insolvency laws ; but it is also complained that the wholesale merchants give better terms to Asiatic than to white retail dealers. Again, it is objected in the Transvaal that the high proportion of males in the Asiatic population is unhealthy ; and yet there is an outcry that they are allowed to bring their wives from India. It is complained that their trading promotes an undesirable intimacy which may even lead to ‘miscegenation’ ; and simultaneously it is objected that they are a foreign community which will not assimilate with the South African people. The Asiatic is condemned as a bad citizen who has no interest in the affairs of South Africa ; but his aspirations for civil and political rights are regarded as a threat to the white community, and his success in trade is dreaded as a channel through which his influence grows and expands. He is blamed as a poor spender ; but any attempt to find an outlet for expenditure is either resented or prohibited. He is told that he ought to invest more money in the country ; but he is prevented from acquiring fixed property by special legislation in the Transvaal, while in Natal his investments are a menace for which the only remedy is expropriation. In the Transvaal he is abused as an unproductive parasite, who does not add to the wealth of the country by farming or starting factories, but at the same time the public are warned that, if

his progress as a trader is maintained, he will inevitably claim the right to manufacture what he sells ; and the Indian farm in the Province is regarded as a portent. He is condemned by the Natal Agricultural Union as an inefficient agriculturist who allows farms, which in European hands are fine properties, to lie waste and unproductive ; but he is dreaded by the Richmond Agricultural Society because he produces too much and can beat the European at farming as he beats him at trading."

It were best if a calmer atmosphere were established and the Indian problem approached in a spirit of greater tolerance and understanding. The persistence of a spirit of hostility which seeks to eliminate the Indian from South Africa is neither fair to the domiciled community nor conducive to the solidarity of the Empire. Fresh emigration from India has been killed. In the Transvaal and the Cape Province the Indian population is diminishing. Even in Natal all available testimony points to the ultimate numerical preponderance of the European community which has a higher birth rate and is being constantly reinforced by fresh settlers. There is no ground for panic or prejudice. Wherever the Indian has settled alongside of the Negro, he has not assimilated with him or established an identity of interests. The fear that he would one day make common cause with the Natives of Natal against the European is a mere chimera. The policy of restriction should give place to a policy of liberality. The law should conform to this policy and the administration to the new law.

CHAPTER VIII

EAST AFRICA, UGANDA, NYASALAND, RHODESIA.

EAST AFRICA

Trade between India and the East coast of Africa has probably gone on from time immemorial. One writer goes so far as to say that there were Indian settlements on the east coast of Africa before the Christian era. Since the middle of the 19th century Indian trade has been very active, and one of the main grounds for granting a Royal Charter to the British East Africa Company in 1888 was that it was calculated to be advantageous to the "Commercial and other interests" of British Indians and that "the possession by a British Company of the East Coast line would protect them from being compelled to reside and trade under the Government of aliens." The Indian trader had penetrated into the interior as far as the Congo before the Uganda railway was built, and when that railway was constructed, it was by means of imported Indian labour. Various administrators who are competent to pronounce an opinion have spoken in terms of high praise of the part which the Indian has played in building up the prosperity of the colony. Sir John Kirk who was Agent and Consul-General for Zanzibar for 21 years stated before the Sanderson Committee, "Drive away the Indian and you may shut up the protectorate." The Sanderson Committee itself affirmed that "the presence of a considerable number of Indian inhabitants

has been and continues to be of material advantage to the British administration of the protectorate." In his book dealing with East Africa Mr. Winston Churchill has also paid the following generous tribute to the part which the Indian community has played in the development of this part of the Empire. "It was the Sikh soldier who bore an honourable part in the conquest and pacification of those East African countries. It is the Indian trader who, penetrating and maintaining himself in all sorts of places to which no white man would go or in which no white man could earn a living, has more than any one else developed the early beginnings of trade and opened up the first slender means of communication. It was by Indian labour that the one vital railway on which everything else depends was constructed. It is the Indian banker who supplies perhaps the large part of the capital yet available for business and enterprise, and to whom the white settlers have not hesitated to recur for financial aid. The Indian was here long before the first British officer. He may point to as many generations of useful industry on the coast and inland as the white settlers, especially the most recently arrived contingents from South Africa (the loudest against him of all), can count years of residence. Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark on a policy of deliberately squeezing out that native of India from regions in which he has established himself under every security of public faith?" This community now numbers over 25,000 and consists of traders, both large and small, Government employees and members of the liberal professions *e.g.* lawyers, etc. Unlike the other crown colonies with a large Indian

population, it includes only a small fraction of labourers who went on indenture, or their descendants. On the whole it represents a higher type of Indian life than one comes across in colonies like Fiji.

Nevertheless hostility to the Indian among the European population of the Colony is almost as acute as it is in South Africa. In 1909 the Sanderson Committee drew attention to the "jealousy" on the part of the white settlers "of any measure which would tend to increase the number of Indian residents," and deprecated the introduction of indentured labour from India so long as suspicion and jealousy persisted. In 1915 an Ordinance was passed which prevents the transfer of land from one community to another without the sanction of the Governor. In practice, this provision means that the Indian cannot acquire the more valuable kind of property, whether in the highlands or elsewhere, although it was especially introduced in order to reinforce a practice which had been followed since 1907 to reserve agricultural lands in the area known as the 'Highlands' to the European community as a result of a pledge given by Lord Elgin. On account of the war the resident Indians could not protest. Since the war the situation has become worse owing to the crystallisation of a demand that the Colony shall remain predominantly white. This is probably due to the influence of immigrants of European descent who have come from South Africa, and to the political and social ideals which the neighbouring Union has always followed. So much would seem to be clear from the nature of the demands which various settlers' associations have put forward, they include:—

(a) restriction of Immigration from India ;

- (b) segregation of various races ; and
- (c) self-Government on the basis of European supremacy.

These demands naturally caused much resentment among the resident Indian population as well as people in India. Various deputations waited from time to time upon the Government of India and the Secretary of State for the Colonies, and in 1919 the question was raised in the House of Lords by Lord Islington who deprecated the adoption of a policy of differentiation against the Indian community in East Africa. Lord Milner in reply gave a general assurance that it was the intention of His Majesty's Government "to mete out even-handed justice to all classes," but his proposals, as announced by the Governor of Kenya in 1920, far from satisfied the Indian community. Residential and commercial segregation, reservation of land for the European in the 'highlands,' and limited Indian representation on the legislative Council, were the main features of his policy which conceded practically all the claims of the white settlers. The Government of India protested energetically against this decision which was tentative in character and pleaded for an unqualified application of the principle which responsible British statesmen have often reiterated, *i.e.*, "that in the Crown Colonies and Protectorates Indians should enjoy complete equality with other classes of His Majesty's subjects." They condemned segregation, whether commercial or residential ; they opposed the introduction of any restrictions on immigration of Indians and they asked for a common electoral roll based on suitable educational and property qualifications. These demands represent the wishes

of the Indian settlers of East Africa, and are regarded by the public in India as the equitable minimum which their compatriots who reside in the Colony should accept.

The decision which His Majesty's Government have recently announced has in the words of His Excellency the Viceroy caused 'great and severe disappointment' to the Government of India, and created a widespread feeling of resentment amongst all sections of educated people throughout the country. Its terms may be broadly summarised as follows:—

- (1) The protection and development of the indigenous population which is estimated at over two and a half millions is declared to be of paramount interest and a special trust of His Majesty's Government which cannot be shared or delegated. The grant of responsible Government is regarded as out of the question within any period of time which need be taken into consideration now.
- (2) The existing representation of Europeans on the Legislative Council is not to be interfered with although the official majority is to be maintained.
- (3) Indians are to be allowed 5 representatives who will be elected on a communal basis, the qualifications of the Indian electors to be determined later by local enquiry.
- (4) To provide advice on matters concerning native affairs a member is to be chosen from among Christian missionaries and nominated to the Council until the natives are fitted for direct representation.

- (5) As regards the initial grant of agricultural land in the 'uplands,' or inter-racial transfers, the existing practice by which the former is only allowed in the case of Europeans and the latter are prohibited, is to be maintained.
- (6) Segregation in towns or elsewhere is abandoned.
- (7) In the economic interests of the natives of Kenya whom it is considered desirable to protect from the influx of immigrants of any country that might retard their development, and the Governor of the Colony is to submit proposals to this end. But, no legislation is to be countenanced which is designed to exclude from the Colony immigrants from any part of the Empire, and for the impartial working of such immigration rules as may be framed in the interests of the indigenous population proper provision is to be made.....

Indian opinion unanimously supports the declaration that in East Africa the interests of the native population are to be paramount, but it is unconvinced that these interests can only be safeguarded by perpetuating European ascendancy in the Legislative Councils and the administration generally, or by assigning to Indians a position which is incommensurate, either with their numbers or their economic importance. Alarm is universal as to the way in which the immigration restrictions will be worked, and the example of South Africa whose ideals dominate the outlook of the white settlers in Kenya cannot be said to be reassuring.

The final reservation of the Uplands for the European community is also bitterly resented as not the least objectionable feature in a settlement which assigns to the Indian an inferior place in the scheme of imperial citizenship. It would be idle to deny the seriousness of the situation created by this widespread feeling of exasperation and despondency. Faith in negotiation or the ultimate triumph of British justice, has been rudely shaken, and present indications point to a rapid growth in the popular demand for retaliation against the dominions and colonies where Indians are subjected to disabilities. What specific forms of retaliation will be urged it is not yet easy to foresee but the feeling that marked the speeches of non-official members during the passage of the Reciprocity Bill in the Legislative Assembly is of ominous augury for the future relations of India, with the rest of the Empire. It is to be earnestly hoped that some way will yet be found of soothing Indian sentiment by a modification of the Kenya settlement which might be more acceptable to Indian opinion, both in this country and Kenya. In their resolution on the Kenya white paper the Government of India have affirmed their intentions to make representations at the first favourable opportunity.

In the other African colonies and protectorates, the Indian population is not considerable, nor is there an Indian problem. Sierra Leone, Gambia, the Gold Coast Colony and Nigeria have a plentiful supply of native labour, and the absence of suitable land on which Indians could settle was the main consideration which prevented the Sanderson Committee from recommending the encouragement of emigration from India to these territories. In the case of Uganda,

which has a considerable Indian population composed of traders, artisans, and skilled labourers the Governor, Sir Hesketh Bell deposed before the Sanderson Committee that settlement by Indian cultivators would be a welcome means of developing the large tracts of unoccupied fertile land. But the Government of the Colony never seem to have formulated any scheme of state aided colonisation from India and the suggestion of Sir Hesketh Bell has not been tried. Nyasaland falls in the same category as the colonies enumerated above. The presence of considerable indigenous populations in all these territories, even though they are not quite numerous enough to develop their natural resources to the maximum advantage, makes the wisdom of introducing another element different in tradition, custom and civilisation doubtful. The experience of South Africa and Kenya is not encouraging and if, as appears to be probable, the principles which govern the administration of mandated territories are officially adopted as representing the goal of British policy in the African colonies and protectorates of the Empire, the possibility of special facilities being given to Indians to settle there may be dismissed. The future in these lands would seem to be more with the Indian trader or professional man than with the Indian agriculturist.

CHAPTER IX

FOREIGN COLONIES

Emigration to foreign colonies the Government of India never viewed with much favour. It was a constant source of anxiety to them; it involved vexatious correspondence and it conferred little benefit on the emigrant. The difficulties inherent in ensuring vigilant protection of the interests of the immigrant community were greatly augmented in non-British territory. Remonstrance lost most of its energy and effect in passing through numerous channels. Redress was delayed, if not denied, from a mistaken sense of national *amour propre*. The absence of a moral responsibility such as imperial considerations imposed on British policy made foreign colonial administrations less careful of the rights of the indentured Indian labourer than of the wishes of his employer. From Réunion, St. Croix or Cayenne came the same unsatisfactory tale. In 1865 the British Consul at St. Croix reported that Indian immigrants were ill-fed, ill-clad and ill-housed. Wages, which according to stipulation included cash and rations, were converted to a money-payment because food prices had risen and continuance of the ration would have meant a reduction of profits. Representations to the Danish Government elicited an elaborate defence of the authorities of the colony, but no satisfactory redress. Emigration to this country was therefore stopped in 1865. Two years later the British Consul at Cayenne drew attention to the fearful mortality among

immigrants in the colony. Of the first consignment at least half had died. Of the second the majority. Climatic conditions were adverse, and neglect presumably made the immigrants misery complete. From 1869 onwards the reports of the Consul in Réunion revealed a state of pathetic demoralisation and chaos among the Indian community. Wages were often in arrears to the extent of two-thirds of a man's dues; three quarters of the indentured population was alleged to have passed through the jails. Return passages were denied because repatriation was injurious to the interests of the employer, and anticipatory engagements, whether induced by bounties or enforced by gross misuse of the penal laws, virtually reduced the Indian to a position of life-long bondage. Since 1865 emigration to the French colonies had taken place from French ports only, though recruitment in British India had been permitted under licenses issued by British consular officers. The reports of the latter disclosed the existence of serious abuses among recruiters, which the tendency of the French authorities to regard any representation as an interference rendered them powerless to check. Fraud was common and extended to the misappropriation of money allotted for the supply of rations to emigrants on the voyage, and the provision of necessary equipment for ships. Addressing the Secretary of State in 1882 the Government of India pointed out that from the ratification of the Convention in 1861 to that day, the course of affairs has been of a uniform character. They had occasion from the outset to complain of the way in which Indian emigrants were treated in Réunion; and although complaints were met by promises of amendment, those promises were steadily broken or

evaded. The complete stoppage of Indian emigration to these colonies was inevitable under such circumstances. Owing to a report of excessive mortality among Indians employed in the gold-washings in Cayenne the Government of India closed emigration to that colony in 1877. A few years later emigration to Réunion was also stopped. Since the middle eighties there has been practically no emigration from British India to any of the French colonies.

The one satisfactory exception to the history of Indian emigration to foreign colonies is provided by the Dutch possession of Surinam. Between 1873, when emigration was opened to this colony, and 1912, when it practically ceased, 31,000 Indians were introduced into the colony, of whom 8,800 returned to India. Dr. Comins who visited Surinam in 1891 on behalf of the Government of India stated that the condition of the Indian immigrant there did not compare unfavourably with that of his compatriots in British colonies, and Messrs. Chiman Lal and MacNeill came to a similar conclusion in their report. The stoppage of emigration to this colony followed on the abolition of the indentured system, and was not in any way the result of dissatisfaction with the treatment meted out to its Indian population.

CHAPTER X

PROSPECT AND RETROSPECT

Addressing the Imperial Conference which met in London in 1921, Mr. Lloyd George said:—"No greater calamity could overtake the world than any further accentuation of the world's divisions upon the lines of race. The British Empire has done signal service to humanity in bridging those divisions in the past; the loyalty of the King Emperor's Asiatic peoples is the proof. To depart from that policy, to fail in that duty, would not only greatly increase the dangers of international war; it would divide the British Empire against itself. Our foreign policy can never range itself in any sense upon the differences of race and civilization between East and West. It would be fatal to the Empire." These words embody a wise principle of statesmanship. They emphasise the vital need for a softening of prejudice and a broadening of vision in the regulation of inter-Imperial relationship. But they obviously represent an ideal. They do not portray existing facts. They convey little idea of the differences that must be reconciled before the ideal becomes the accomplished reality. That such divergencies exist has been made abundantly clear in the foregoing pages. They spring from a conflict which is implicit in the ideals of local autonomy and a common imperial citizenship. The former supplies the justification of restrictions on emigration from India which the self-governing

dominions have thought fit to impose and in which, as evidenced by the Reciprocity Resolution of 1918, India has acquiesced. Of the latter, what one might call the equality resolution passed by the Imperial Conference in 1921 is a partial expression. Partial because complete equality would carry with it full freedom of movement within the Empire. It is true that legally imperial citizenship has no significance. Logically such a concept is the inevitable corollary of allegiance to a common sovereign. That is the Indian point of view. It explains the impatience of a by no means insignificant section of educated Indian opinion with the idea which is at the root of the white Australia policy. It inspires the attitude of discontent with the Reciprocity Resolution which prevails in such circles.

It is idle to argue which is the higher and which the lower principle. The ethical preeminence of the principle of universal brotherhood is not by itself sufficient to overcome the love of autonomy. It is equally powerless to overrule the dictates of self-interest, or of tendencies which are the heritage of time-honoured tradition. Human nature is a curious blend of pride and fear. Take for instance the restrictive principle commonly known as the policy of White Australia. No citizen of the Commonwealth will admit that the principle rests on a consciousness of superiority of race. To him it represents a vital measure of self-defence of which the adoption has been rendered necessary by the existence of real differences, both social and economic, among the races of the earth. That is almost the universal view in Australia, and every year that passes seems to sanctify it. Legislation such as the Commonwealth

Immigration Act is merely an attempt to provide legal safeguards against any breach of this measure of self-defence. The power to make such laws is cherished as the symbol of Australia's autonomy and nationhood. Any invasion of that autonomy will encounter the same resistance as an assault on the White Australia policy. Canada and New Zealand have adopted no label for the steps which they have taken to regulate the composition of their respective communities. But their laws are identical in principle with the laws of Australia and have the same objective. They defend their laws on the same grounds as the sister dominion. They are equally jealous of the power to regulate their own affairs. It will be incorrect to maintain that prejudice against colour and race plays no part in the maintenance and continuance of this policy of exclusion. It will be more charitable to assume that the ostensible is the real reason for its adoption. And so far as the more enlightened opinion in these countries is concerned, the assumption will be true. The reception given to Mr. Sastri in his recent visit to the dominions, and the sympathy with which his audiences listened to his plea for the removal of such political and economic disabilities as press on the domiciled Indian communities seems to indicate that prejudice is not universal.

The case of South Africa is different. The cumulative testimony of anti-Asiatic legislation makes it difficult to resist the inference that economic differences alone do not account for this persistent hostility. The Dutch ideal seems to be enshrined in the language of the Grondwet of 1883 "that there shall be no equality between the White and the Non-white." A little reflection will reveal that the historical

circumstances of this region have a sinister peculiarity. The memories of a struggle for existence, accompanied by all the brutalities of uncivilized warfare, have left a lasting legacy of hatred and fear. Those who are familiar with the early history of Dutch colonisation in South Africa will find it easy to understand this attitude. Reinforced by the fear of economic competition the prejudice against non-white peoples becomes hard and tenacious. The presence of a numerically superior native population, different in every respect from the white element helps to keep alive prejudice and fear. But to the Indian, these circumstances, although they may explain the attitude of the white settlers towards his compatriots, do not suffice to condone it. Naturally he resents a lack of discernment which lumps the Hindu with the Negro. He is with equal justice indignant over a policy which penalises the Indian for the virtues of frugality and economical living. He fails to see the consistency of a frame of mind which blames the Indian for being insanitary in his habits, but denies him opportunities for improving his habitation; which accuses him of failure to rise in the scale of civilisation while throwing every obstacle in the way of his social and moral uplift. He cannot perceive the equity of a progressive curtailment of the privileges of those who, as in Natal, have built up the prosperity of the country by their labour and who were allowed, if not actively encouraged, to settle within its borders. Nor can he understand the fairness of a policy which seems to make the status of 'coolie' with all its implications hereditary.

A new phase of the problem has evolved out of the claim of white settlers in Kenya to regulate their

policy of treatment of Indians both in regard to immigration and residence on lines similar to those of South Africa. This particular development was not unforeseen by the Government of India. Writing to the Secretary of State for India in 1910 they said: "We are unable to overlook the fact that any one of the more important Crown colonies may eventually become a self-governing Colony.....It is impossible for us to disregard the fact that the history of the anti-Asiatic legislation in Natal and the Transvaal may be repeated in others of the Crown Colonies." The Kenya episode serves to emphasise the truth of the prophecy, both as regards the future development of Crown Colonies, and the emergence of racial problems in those colonies, once a clash of interests between different races occurs. The Kenya settlers looked forward to self-government of the same pattern as that enjoyed by the dominions. The ideal was affirmed by no less a person than Mr. Winston Churchill when Secretary of State for the Colonies. That ideal, however, has now been abandoned by His Majesty's Government in the interests of the indigenous population. But the British possessions in the South Pacific may one day confederate into an autonomous dominion with Fiji as the nucleus. The constitution of the West Indies is expected to be liberalised in the near future. The Indian asks himself what is to be his status in these territories in the future. Is the principle of a common citizenship, carrying equal rights, to be allowed to prevail in those areas which are still being administered by His Majesty's Government, or is there to be a deduction from this equality even there? Speaking to a correspondent of the "Times," Lord

Delamere enunciated the aims of the white settlers in Kenya as follows:—"The issue is whether the legislative bodies and administrative departments in those colonies, which are still under the control of the Colonial Office, should be directed by people inferior in the genius for government to the detriment of our civilisation and of those races over whom we rule and for whose future we are trustees. We are determined not to agree to any transference of our trusteeship. We are determined not to agree to any degree of dilution of councils which would carry with it dangers to the ideals of Government in which we believe, or the slightest risk of future Asiatic domination. We are determined to see that dilution is limited to the minimum of representation necessary to represent interests given as a concession and not as a right leading to further claims." This is an obvious challenge to the principle of equality, in the interests of the native population and will also explain the pessimism which marks the Indian view of the future.

The question of mandate territories is hardly relevant to a discussion of rights which are claimed in virtue of British citizenship. These territories are not integral portions of the British Empire. Claims which relate to these territories derive from India's membership of the League. They will be adjusted in the light of experience. But it is interesting in so far as it introduces a new argument into the controversy which is now raging round the right of Indians in the colonies themselves, *viz* the claim to restrict those rights in the interests of trusteeship for the indigenous population. The divergence of ideals is clear; so are the dangers to the unity

of the Empire unless these divergencies be speedily and satisfactorily reconciled. The Indian claim is for full freedom of movement, for complete equality of opportunity, for absolute parity of rights in all the Crown Colonies. Indian opinion does not concede the claim made by the white settlers of Kenya that the Reciprocity Resolution of 1918 applies to parts of the British Empire other than India and the self-governing dominions. It also insists that the admission of Indian residents in the dominions to the same privileges, political and economic, as are enjoyed by the most favoured class of His Majesty's subjects is not merely a corollary of the Reciprocity Resolution, but also a condition to its faithful observance by India. It may admit the existence of difficulties in the way of the fulfilment of this ideal in the Union of South Africa; it does not believe that those difficulties are insuperable—or that the imposition of fresh disabilities on Indians who have settled lawfully within the Union is best calculated to promote its realisation. In the other dominions the Resolution of 1921 has not yet been applied to remove inequalities which existed when it was passed. Mr. Sastri's mission did much to educate public opinion and to lay stress on the imperial significance of the reform. Until the inequalities are removed, tension between India and these countries is likely to continue. The claim of the white population in some of the Crown colonies has given rise to a more serious situation. In the form in which it is expressed by Lord Delamere its basis is the very inequality which Mr. Lloyd George so strongly deprecates. Its implication that the admission of Indians to equality with those for whom he speaks is incompatible with

the development of the native is not likely to be accepted in disinterested quarters. So long as there is no authoritative declaration by the Imperial Government of the ultimate goal of its policy in respect of these backward races, the voluntary assumption by local settlers, of whatever race, of the right to lay down the lines of future evolution is sure to be challenged by those whom the concession of the right is likely to injure. For the fear that the conferment of rights on Asiatics would mean domination by them, there is no foundation. In no responsible Indian quarter is any such intention entertained nor has any claim to that effect been put forward. The theoretical position is absolutely clear. The Indian admits the right of the dominions to regulate the composition of their population in deference to their autonomy—an autonomy which he hopes to secure for his own country within the orbit of the Empire. In the Crown colonies he asks for a fair field and no favour. What modifications of the principle of equality seem desirable or feasible in order to square facts with theory will be indicated in the following chapter.

CHAPTER XI

STATUS OF INDIANS IN THE DOMINIONS (I)

There are two main problems relating to the rights and privileges of Indians in the Dominions and the Crown Colonies; one is the problem of status after domicile, the other the condition of entry. Immigration, so far as the dominions are concerned, is no longer a matter of any practical importance. Undoubtedly there are people in India who do not believe in the Reciprocity Resolution of 1918; who still cling to a somewhat nebulous ideal of citizenship which they would enforce if they had the chance. But sober opinion regards the question of fresh flow of Indian emigrants to the self-governing parts of the Empire for purposes of permanent settlement as closed. It is recognised that the Imperial Government cannot dictate to these young nations the ideals on which their laws should be founded. It is also felt that any indication of a desire to go back on India's plighted word will only hamper her march towards autonomous nationhood, and imperil her reputation for good faith. The right to retaliate which the resolution concedes may not be acclaimed as an ideal asset, but it is a salve to national pride. The dominions are in no danger of having their immigration policy challenged so long as they carry out the policy which the Imperial Conference recommended in 1921. Any reluctance to give effect to that policy will embitter Indian opinion, and may jeopardise the whole settlement. It may also have serious consequences for the future unity of the Empire.

The concession to Indian sentiment and Imperial solidarity which the resolution involves should present no insuperable difficulty in Australia and Canada. New Zealand grants the franchise to domiciled Indians. In Canada the disability imposed by the provincial electoral laws of British Columbia on resident Asiatics is inferentially repeated in the federal law. The commonwealth franchise in Australia is denied to those whom the State law, as in Western Australia and Queensland, denies the right to vote at State elections. It cannot also be exercised by those residents of other States who became domiciled after the passing of the Commonwealth Electoral Act. The numbers involved are comparatively small. There are no more than 1100 in Canada, and 7 or 8 hundred in Australia for whom redress is needed. Two causes can explain delay in giving redress. One is the fear of foreign complications. Both in Canada and Australia there are settlers from China and Japan who do not enjoy the vote. The Government may be afraid that electoral reform which enfranchises the Indian but retains the disabilities of these other Asiatics will give rise to international complications. The obvious reply is that a British subject by birth stands on a different footing from an alien who seeks to acquire citizenship by domicile. In the case of an Indian the denial of the right to vote is a deprivation. Alien Asiatics can only claim the right of grace. The other cause is the pressure of hostile local opinion which results from ignorance or prejudice. One can only urge that a question which affects the unity of the Empire should transcend mere party politics. Both Governments and parties in opposition

should treat the issue as of broad imperial importance. That is the only way to reach a solution which will be acceptable to Indian sentiment, and conducive to Imperial solidarity.

When the resolution of 1921 was passed, the representatives of the Union of South Africa dissented from it owing to circumstances "which prevail in the greater part of the Union." The representatives of India expressed the hope that the Government of India and the Government of South Africa would reach a satisfactory settlement by direct negotiation. The circumstances to which attention is drawn have already been explained briefly in the preceding chapter. Negotiations have so far failed to bring the points at issue nearer settlement. In Natal the situation has deteriorated. Fresh ordinances have been passed which restrict the freedom of the domiciled Indian in regard to residence, the acquisition of fixed property, and trade. In a recent speech at Maritzburg, General Smuts foreshadowed legislation which would empower municipalities to segregate the Indian community for purposes of residence as well as trade. When it is remembered that a considerable proportion of these Indians are South Africans by birth, the intensity of feeling in India on the subject will be easily understood. Indian solicitude for their welfare is as great as the power to secure it is small, and the consciousness of impotence intensifies anger. The persistent character of anti-Asiatic agitation in the Union, which is really directed against the Indian, is an incentive to bitterness. Its unreasonableness is amply demonstrated by the evidence which was given before the Asiatic Enquiry Commission, and by the findings of the Commission itself. The Indian

population is not on the increase. Indian immigration to the dominion has ceased. The fear of Asiatic predominance in numbers is eliminated. Yet anti-Indian feeling, and the desire to get rid of the Indian community, have lost none of their strength. It is difficult in the face of this determination to resist the inference that the agitation is animated by race prejudice. It is next to impossible to convince the Indian that all the passion of the movement is born of economic jealousy. Fear of competition may account for its persistence, but most Indians are convinced that deep-rooted prejudice is at once its sustenance and source. The belief is an insuperable obstacle to the establishment of friendly relations between India and South Africa. It is a menace to the solidarity of the Empire. The growing national consciousness of India will not long tolerate a system which subjects her nationals to indignity and humiliation. If relief is not essayed, retaliation will be insisted on. It may not be effective, but it will soothe national pride. No one will pretend that the exacerbation of feeling between two component parts of the Empire is a process which can be contemplated with equanimity. Nor will it be contended that prejudice, which is exclusively social in character, will be confined to the South African or the Indian. In South Africa it may be said to embrace all Asiatics. In India it may assume a comprehensiveness equally wide and even more dangerous. That it will accentuate division within the Commonwealth on lines of race would seem to be undeniable. The situation is pregnant with perils. Reform, to be timely, must be taken in hand at once.

The first step towards it is the education of public opinion, in which the Union Government itself must

play the leading part. The promotion of direct intercourse between India and South Africa should help considerably in the dissipation of ignorance. There should be an exchange of visits between the leading men of each country. And the Indian question should cease to be the plaything of party politics. Once a question of this sort is caught up in the cogs and wheels of the party machine, even commonsense is apt to be torn into shreds. The ultimate solution will depend on the exercise of tolerance and vision by the people of South Africa, and the exercise of patience by the people of India. For settlement will take time. Prejudices die slowly. The transition from antagonism to sympathy is not rapid. A broadening of the spirit that underlies the Grondwet of 1883 into the magnanimity essential to the admission of the Indian claim to political equality cannot take place in a decade or even a generation. Hostility must first soften into tolerance—and tolerance expand into sympathy. The change is not impossible. It must be sought and ensued in a spirit of steadfast resolution in the interests of the solidarity of the British Commonwealth.

A writer in the "Round Table" recently discussed possible solutions of the Indian problem in South Africa. He does not consider that compulsory repatriation provides an equitable or a feasible remedy. He is unable to see any prospect of the South African electorate agreeing to admit the Indian to political equality. He is of opinion that the most suitable arrangement would be to evolve for Indians domiciled in the country an organisation parallel to the one which has been set up to enable the native population to express its opinion on questions of direct concern

or interest to itself. This organisation is purely advisory. It has no administrative powers. Its decisions are not binding on Government. It is doubtful whether Indian sentiment will be satisfied with so halting a concession. After all Indians have the right of vote in the Cape Province and Indians in other parts of the Union cannot be expected to welcome any arrangement which assigns to them a position of comparative inferiority. A more suitable basis for reform would be the formula of Cecil Rhodes that all civilized men should have equal rights. The view was clearly enunciated by Lord Milner whose remarks would bear quotation. Writing to the Secretary of State for the Colonies when High Commissioner he said "I also hold that when a coloured man possesses a certain high grade of civilisation he ought to obtain what I may call 'White' privileges irrespective of his colour." The same view was reiterated by Mr. Winston Churchill when Secretary of State for the Colonies: "We wish to apply broadly and comprehensively, and so far as is practicable, Mr. Rhodes's principle of equal rights for all civilized men. That means that the natives of India who reach and conform to the wellmarked European standards should not be denied the fullest exercise and enjoyment of civil and political rights." Indians may demur to the suggestion that conformity to European standards is the only test of civilization, but they will welcome a reform on these lines in South Africa as an auspicious beginning. In the Crown Colonies the situation is different. So far the battle in most of them has waged round the question of wages and labour laws. The purely political issue has not played an important part owing to the absence

of representative institutions. There have been no difficulties in the way of emigration to most of these colonies as the demand for Indian labour is still high. But the nature of the problems which may arise there is sufficiently indicated by the recent dispute in Kenya, and the Indian problem in Fiji.

It may be as well to analyse the arguments which the parties to the dispute in Kenya had put forward in support of their rival claims. So far as restriction of fresh Indian immigration was concerned, the spokesmen for the white community in Kenya placed their reliance on the Reciprocity Resolution of 1918. That resolution, as its title indicates, is merely an amplification of the principle of reciprocity of treatment between *India and the dominions*, which was unanimously accepted by the War Conference of 1917. It was never intended to apply to the colonies which are administered directly by His Majesty's Government. It referred clearly to the self-governing dominions, which alone are communities enjoying the legal power to regulate the composition of their population. The Crown Colonies cannot impose any restrictions on immigration from other parts of the Empire without the consent of the Imperial Government, and as the Imperial Government is finally responsible for the good Government of both India and the Crown Colonies, a formal resolution of this character to bind two of its own departments would have been superfluous. The attitude of the Imperial authorities in the past in regard to the rights of Indians in other parts of the Empire hardly justifies the inference that they contemplated a departure from the practice of freedom of movement between India and the Crown Colonies which they never seem to have questioned. The

very novelty of the claim makes it suspect. The argument of trusteeship was even less tenable. Trusteeship vests not in any section of the local community but in the Imperial Government. It is for that Government alone to decide how that trust can best be discharged. At any rate few impartial observers will admit that the right discharge of that trust depends on restrictions such as those that the white community sought to impose on their Indian fellow subjects. So far as the future Government of Kenya is concerned, His Majesty's Government have solemnly declared that they alone are the trustees for the indigenous population. Immigration restrictions they seem to justify on economic grounds. But the discussion of the exact application of the Reciprocity Resolution is not irrelevant, for the argument of the white settlers of Kenya may be repeated by another Colony.

Historically, and on principle, the Indian claim stands on firm ground. Their right to emigrate to any of the Crown Colonies has not been questioned in the past. They have always cherished it as a privilege of Imperial citizenship. They urge that a principle which has been accepted by the self-governing dominions of the Empire as the basis for regulating the rights of Indians who have settled within their borders should apply without qualification in the territories for whose administration the responsibility rests on His Majesty's Government.

It is not the purpose of this chapter to discuss the merits of the rival claims in Kenya. The case is of importance as illustrating tendencies which may manifest themselves in other colonies, and as emphasising the need for a settled policy. In the

dominions which are predominantly white in population and ideals, it may be difficult to apply the principle of equality without limitation or defect. In the Crown Colonies where such a state of affairs does not exist, equality should be the practice as well as the ideal. To deny equality would be to deny justice which is the basis of the Empire. The ultimate aim of British rule, even in lands peopled by other races is the establishment of autonomy. Its avowed object is their social and economic uplift. To suggest that Government on the Crown Colony model should exist in perpetuity where it is already established would be a retrograde proposal. But the development of autonomy should be compatible with the ideal of equal rights and opportunities for all. The possibility of a conflict of ideals and interests between the various races of the Empire has evoked suggestions to limit the points of contact between them. The proposal has been put forward in certain quarters that a solution of the present difficulties would be found in setting apart a colony into which the surplus population of India may discharge itself. This is a counsel of despair. The Empire has vast unpeopled spaces crying for population which neither the United Kingdom nor the dominions can supply. The climatic conditions of regions like British Guiana render it unlikely that they will ever be colonised by the white races. Within the same colony, as in East Africa, there are varieties of climate which make different tracts habitable by different races. It will be impossible to reserve individual colonies or tracts for different races without sacrificing in some measure their prospects of development. The proposal also fails to take account of the combination

of varied qualities necessary for the progress of each region, which no one race may be able to supply. It also ignores the higher mission of the Empire which is to bring the races closer together—a consummation impossible of achievement if division into water-tight compartments is to be the goal of policy. The wiser course would seem to be to continue the present policy which at least in theory recognises no distinctions between various classes of His Majesty's subjects, in regard to migration, and to concede equal rights and opportunities to all who have taken up their residence in a Colony. It is not contended that the application of this principle will be easy or that a uniform formula will meet the case of each area. The ideal will probably require to be adjusted to local circumstances. Compromises may be desirable or even necessary. But so long as the settlement broadly conforms to the ideal, its acceptance by all parties may be relied on.

Enough has been said, it is hoped, to emphasise the imperial character of the problem. Viewed as a question of harmonising different civilizations it has an even broader aspect. With that aspect it is not the business of this book to deal. But from the imperial point of view it cannot be repeated too often that the problem is urgent, and calls for an immediate solution. The longer it is left alone, the more difficult it will become. It is always so with issues in which deep national sentiments are involved. Each day that passes intensifies passion and hardens prejudice. To the Indian the attainment of equality everywhere of civic and political rights, and in every Crown Colony the opportunity to settle, is the goal of citizenship. For the white citizen of the Empire,

the concession of that equality should be the supreme gift of his imperial patriotism. Equality is the key of imperial unity. It should not be impossible of attainment with the exercise of magnanimity, tolerance and mutual understanding.

CHAPTER XII

STATUS OF INDIANS IN THE DOMINIONS (2)

Since the last chapter was written the question of Indians overseas has again been considered by the Imperial Conference on the 24th October 1923. The representatives of India, headed by the Secretary of State, Viscount Peel, put forward a powerful plea for the treatment of Indians who have settled in various parts of the Empire on a basis of equality. Their speeches reveal not merely the unanimity of Indian sentiment on the question but also the complete identity of views that exists between the Secretary of State for India and the Government of India on the one hand and the Indian people on the other, in regard to it. The utterances of the representatives of the Dominions, especially Australia, New Zealand and Canada, and the Irish Free State emphasise that there is no disposition on the part of their Governments either to minimise the strength of Indian feeling or to deny the fulfilment of Indian aspirations. All recognised the legitimate and reasonable character of the Indian claims ; such diversity as exists relates only to the time and the method of satisfying India's wishes. It must be confessed, however, that so far as South Africa is concerned, the discussion has revealed that the gulf between the South African and Indian points of view is too broad and deep to be easily bridged. General Smuts voiced probably the feelings of the majority of the white population of South Africa when he said that the maintenance of white supremacy was vital to their very existence. The representatives of India were equally sincere when they stated that Indians could never accept the position that in South Africa their present status will be

perpetuated. This conflict of views, which merely reflects a conflict of ideals, is far-reaching, and it will be idle to disguise that for the present, at least, the prospects of a compromise are remote.

In the discussion the recent Kenya decision was also brought under review by Sir Tej Bahadur Sapru, who made an eloquent appeal for a reconsideration of the Indian case. It was not to be expected that his efforts in this behalf would be completely successful. But the method of representation by a committee to be appointed by the Government of India which he advocated and which was accepted by the Secretary of State for the Colonies contains possibilities of a more satisfactory settlement. The committees proposed by Dr. Sapru, in so far as consultation with the Dominions of Canada, New Zealand and Australia is concerned, are probably designed merely to explore the best methods of giving effect to the principle embodied in the Resolution of 1921 at the earliest possible date. The general approval with which the representatives of these Dominions received the proposal may be welcomed as reaffirming and re-emphasising that principle.

To those impatient of immediate concrete results the outcome of the Conference may not carry much hope. But those who appreciate the inherent difficulties of the problem and the inevitable slowness with which a solution must be reached are sure to realise that in establishing an atmosphere of good will and understanding the Conference has provided a happy augury for the future.

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